

Sec. 4. The certificate of the license herein required shall be kept in the personal possession of the licensee when he is operating aircraft within this State, or serving in connection with any civil aircraft flown or operated in this State, and must be presented for inspection upon the demand of any passenger, any peace officer of this State, or any official, manager, or person in charge of any airport or landing field in this State upon which he shall land or perform any service.

Sec. 5. The provisions of this Act shall not apply to any public aircraft owned by the Government of the United States or by this State.

Sec. 6. Any person who navigates within this State any civil aircraft without an airman's license, or who serves as an airman in connection with any civil aircraft flown or operated within this State, without an airman's license issued in accordance with the provisions of the Air Commerce Act of 1926 and amendments thereto, shall be guilty of a misdemeanor and punishable by a fine of not more than \$500.00 nor less than \$100.00 or by imprisonment in the county jail for not more than six months nor less than thirty days, or both; provided, however, that acts or omissions made unlawful by this article shall not be deemed to include any act or omission which violated the law or lawful regulations of the United States; but it shall not be necessary to allege or prove, as part of the case of the State, that the defendant is not amenable, on account of the alleged violation, to prosecution under the laws of the United States. That he is amenable to such prosecution shall be matter of defense, unless it affirmatively appear from the evidence adduced by the State.

Sec. 7. If any section, clause or provision of this Act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application of such provision to this persons and circumstances shall not be affected thereby.

Sec. 8. The fact that the Air Commerce Act of 1926, in the matter of regulating civil aeronautics, does not require intrastate operators and aircraft to be registered and licensed, and the fact that public safety re-

quires and the advantages of uniform regulations make it desirable in the interest of aeronautical progress that aircraft operating within this State should conform with respect to design, construction, airworthiness, as well as the licensing of airmen, to the lawful rules and regulations of the United States Government, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate days in each House be suspended, and that this be placed upon its third reading and final passage and take effect from and after its passage, it is so enacted.

TWENTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,

Monday, February 11, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Love.	Neal.
Miller.	Wirtz.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Martin:

S. B. No. 485, A bill to be entitled "An Act to provide for additional compensation for official shorthand reporters of all judicial districts or district courts in any county in this State having a population in excess of fifteen thousand inhabitants, according to the last United States census and according to any United States census which may hereafter be taken, and having only one judicial district or one district court in such county, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 486, A bill to be entitled "An Act to amend Chapter 25 of the General Laws passed by the Regular Session of the Thirty-ninth Legislature as amended by Chapter 107 of the First Called Session of the Fortieth Legislature by adding thereto the following new sections: Nos. 149, 150, 151, 152, 153, 154, 155 and 156, providing for legal method of abolishing water control and irrigation districts; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senators Small and Williamson:

S. B. No. 487, A bill to be entitled "An Act prohibiting the taking from public lands in this State of the remains or bones of prehistoric animals or fossils, except pursuant to a permit from the Commissioner of the General Land Office and under the conditions prescribed in this Act; prescribing regulations and conditions under which such remains, bones or fossils may be taken; requiring a bond to be furnished and a fee to be paid; prescribing the duties of the Commissioner of the General Land Office in reference to the subject matter of this Act; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Williamson:

S. B. No. 488, A bill to be entitled "An Act creating a pecan experimental station to be located by the

Board of Directors of the Agricultural and Mechanical College, within the native pecan growing area of Texas, and providing that said Board may receive voluntary donations therefor, and making an appropriation for the establishment of the same, and declaring an emergency."

Read first time and referred to Committee on Agriculture.

By Senator Williamson:

S. B. No. 489, A bill to be entitled "An Act fixing the compensation of constables and assistant or deputy constables of justice precincts which have a population of one hundred and fifty thousand inhabitants or more, and which are in a county having both a district and county attorney, and having two or more county courts at law and providing for the manner of their payment, and providing for the manner of appointment of such assistant or deputy constables and providing for the disposition of fees collected by such constables, and repealing all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 490, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas, as amended by Chapter 11 and Chapter 200, Acts of the Regular Session of the Fortieth Legislature, by adding to said Article 1302 a new provision to be known as subdivision 91, providing for incorporation for the establishment, support and maintenance of automobile clubs for the mutual benefit and protection of automobile operators with power to acquire and own all property incidental to such business, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Martin:

S. B. No. 491, A bill to be entitled "An Act defining unfair discrimination and prohibiting any person, firm, company, association or corporation engaged in the production, manufacture, sale or distribution of any commodity in general use in this State, from discriminating between different sections, communities, incorporated cities or towns of this

State, for the purpose of destroying the business of a competitor in any locality, or for the purpose of fixing, maintaining, increasing or reducing the price of such commodity by selling or distributing such commodity, at a different rate or price in one section, community, incorporated city or town than is charged or permitted to be charged, for said commodity by said party in another section, community, incorporated city or town, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hornsby:

S. B. No. 492, A bill to be entitled "An Act authorizing the transfer of territory from one school district to another; providing for the distribution of the assets and liabilities of the transferred territory and assumption of any bonded indebtedness affected by a transfer of territory; providing for an election for the assumption of bonded indebtedness and the levying of the necessary bond tax, prescribing and defining the duties of the county board of trustees, county judge, commissioners' court and school district trustees with reference to such transfer of territory and elections providing for the assumption of bonded indebtedness, repealing all laws and parts of laws in conflict; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Parrish:

S. B. No. 493, A bill to be entitled "An Act amending an Act creating the One Hundred and Tenth Judicial District of Texas to be composed of the counties of Briscoe, Floyd, Motley and Dickens, which Act was passed at this Session of the Legislature, the same being S. B. No. 85, so as to better provide for subpoenas, writs, process, bonds and recognizances issued prior to the taking effect of this Act and validating and continuing the same; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Witt:

S. B. No. 494, A bill to be entitled "An Act to amend Section Ten (10)

of Title Seventy-eight of the Revised Civil Statutes of Texas of 1925, by adding thereto certain articles to be known as Articles 4878a, 4878b, 4878c, 4878d, 4878e, 4878f, 4878g, 4878h, and in such amendments authorize the Board of Insurance Commissioners to prescribe the maximum rates of commission, or other remuneration, which shall be payable by any stock fire insurance company authorized to do business in this State, to its local agents, and, to provide that the said Board of Insurance Commissioners, in prescribing the said rates of commission, or other remuneration, to be so paid, shall do so without discrimination, etc., and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Cousins:

S. B. No. 495, A bill to be entitled "An Act prohibiting the hunting, running or taking of deer and squirrels with dogs, providing for a closed season on squirrels, prohibiting the killing or taking of wild bear and wild turkey in certain counties; providing when this law shall take effect and the length of time it shall be in force; repealing all laws or parts of laws in conflict herewith; providing penalties and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Senators Excused.

On motion of Senator Witt, Senator Love was excused for the day.

On motion of Senator Woodward, Senator Miller was excused for the day.

On motion of Senator Cousins, Senator Wirtz was excused for the day.

S. C. R. No. 22 Re-referred.

On motion of Senator Witt, S. C. R. No. 22 was withdrawn from the Committee on Federal Relations and re-referred to the Committee on State Affairs.

S. C. R. No. 23,

By Senators Pollard, Thomason, Patton, Westbrook, Hardin and Beck.

Senator Pollard sent up the following resolution:

Whereas, the people of Texas, as

individuals have invested in equipment and stoves for burning natural gas as fuel in their homes millions of dollars in Texas, and are unable to get sufficient natural gas from the producing, transporting and distributing gas companies of Texas, causing the subscribers to suffer from intense cold during the winter months in Texas, and

Whereas, Practically every city in Texas has experienced such gas shortage within the past few years; and the cities of Tyler, Belton, Taylor, Granger, Cameron and other cities have experienced such gas shortage within the past week, and

Whereas, in the City of Tyler, Texas, in particular, subscribers to gas have been unable to receive a sufficient amount of gas for heat or for cooking purposes, and have been forced to spend thousands of dollars for stoves and fuel, and such shortage has entailed intense suffering to those unable to secure fuel of any kind during the intense cold weather, said shortage being now existing, and endangering the health and lives of the citizenship of Tyler as well as other East Texas cities affected by this shortage, and

Whereas, On the 9th day of February, A. D. 1929, said shortage of gas became so acute that the Railroad Commission of Texas issued an order that the Dixie Gas & Fuel Company immediately furnish to the Tyler Gas Service Company for distribution sufficient natural gas to meet the requirements for domestic purposes in the City of Tyler, Texas, and if necessary to comply with this order, that they shall discontinue all consumers of natural gas for industrial purposes now supplied by them for such time as is necessary to relieve this emergency; and, by reason of said order, numerous industries in East Texas cities, including Marshall, Longview, Tyler, Jacksonville, Henderson, Troup and other East Texas towns, have been forced to close down, thus depriving many laboring people of their wages, and at the same time, working a hardship upon the industries so affected, and

Whereas, Similar conditions have existed in other portions of Texas, and such conditions should never be permitted to exist in the future, now therefore, be it

Resolved By the Senate of Texas,

and the House of Representatives concurring, that a committee of two Senators be appointed by the Lieutenant Governor, and a committee of three Representatives be appointed by the Speaker of the House of Representatives, whose duty it shall be to investigate the reasons for such gas shortage occurring, and report back to the Senate and the House of Representatives its findings, together with such remedial legislation as may be necessary to prevent the occurrence of such gas shortage in the future, and as will serve the best interest of the people of Texas.

The resolution was read and adopted.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 10, A bill to be entitled "An Act authorizing the creation of junior college districts; embracing the territory; fixing the assessed valuation; providing for the calling of an election; the management and control of the junior college; number of trustees; how they should be elected; term of office; providing for the trustees to make affidavits before entering upon their duties."

H. B. No. 458, A bill to be entitled "An Act to create La Feria water control and improvement district, Cameron county number three (3) in Cameron county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as water improvement district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the board of directors of said district converting said district to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment and the is-

suance and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general and ad valorem taxes on all taxable property in said district; approving and validating all orders of the commissioners court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of constitutional notice required in the enactment of this act has been duly made; enacting provisions incident and necessary to the subject and purpose of this act; and declaring an emergency."

Mr. Harman:

H. B. No. 16, A bill to be entitled "An Act to establish and maintain agricultural experiment stations in blacklands region of Texas, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said section, and empowering said board of directors to establish and maintain the same, to accept donations of land, water and money for the establishment of such station making an appropriation to pay the cost of establishing said station, and for the operation of same, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference on Senate Bill No. 150 and the following are appointed as conferees on the part of the House.

STORY,
CHASTAIN,
YOUNG,
WOODALL,
MURPHY.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Simple Resolution No. 64.

Senator Thomason sent up the following resolution:

Whereas Senator T. J. Holbrook of Galveston delivered the memorial

address at the funeral of Senator I. D. Fairchild at Lufkin, and

Whereas, It is the desire of Senator Fairchild's friends that said Memorial address be printed in the Senate Journal as a testimonial to his memory, therefore be it

Resolved, By the Senate of Texas that said address be accordingly printed in the Journal, and a copy of same sent to Mrs. Fairchild.

The resolution was read and adopted.

The following address was delivered by Senator T. J. Holbrook of Galveston at the funeral services of the late Senator I. D. Fairchild at Lufkin, May 3, 1928.

While standing by the bier of Abner, the son of Ner, King David addressed his assembled hosts in words that have been used as a model in expressing grief at the loss of a friend, through all succeeding ages. When the King said to his servants, "Know ye that there is a prince and a great man fallen this day is Israel," he struck a chord of sympathy which, on occasions like this, finds an abiding place in the recesses of every human soul. Like him in the case of Abner, these friends of the deceased have again been brought face to face with the mystery of death, and with broken hearts and wounded spirits, we strive to speak the homage of our affections concerning the works and worth of a departed statesman.

On the first day of the present month at about nine thirty o'clock in the morning, the Grim Reaper with inverted torch touched to dreamless sleep the eyes of I. D. Fairchild, leaving his memory to rest as a benediction upon those who knew him, and transporting his immortal spirits to a vantage point beyond the grave, to abide forever within the walls of the shining City, under the beacon lights which top the towers of life eternal.

In this solemn hour of dissolution, we view death as one of the manifold symbolisms of nature. We learn from the hour glass that the sands of time are rapidly passing from under us, and that it is but a brief span from the moments we claim here until our life's record, with its weaves of good and evil, shall stand before the Supreme Judge of the Universe for His final compilation.

The most beautiful expressions of literature, the most engaging passages of history, and the most interesting phases of science, all fail to convey the full meaning of this transition; and the soul of man continually yearns for a more accurate knowledge of things which lie beyond his sphere. This is God's law from which there is no appeal. It is the eternal enigma which baffles the unthinking, but which moves the intelligent mind, even when crushed with the bitterest pangs of sorrow, to higher and nobler paths of duty. It is the law of transfiguration, which strikes down the mortal and cleaves the soul with lines of immortality.

If such axiomatic philosophy had only to do with the material things of earth, it would perhaps not deserve our serious consideration, but it involves the spiritual as well. We run our course—are happy in our thoughts, and are satisfied with our condition, until we are suddenly bereft of association with a comrade like him who has fallen asleep in the full bloom of a sturdy and vigorous manhood. Such is in some degree, I am sure, the experience of all who are gathered here to participate in the privileges of this ceremony. It is the personal loss that you feel in the untimely passing of one who has done so much for his community, and in whom the whole State took pride in recounting his valiant battles for the common good.

Besides casting a pall over those who were his closest companions in life, there have been times when the death of a man was in itself a public calamity, as applied to the section in which he lived. This was essentially true when our gallant friend, whose dust we are about to return to the earth, answered that inexorable decree, against which there lies no stay, nor shines a ray of hope, except in the consolation that his works do survive him; and that sometime, somehow, somewhere, we shall meet him, and we shall know him. When suddenly the news of his passing reached his friends throughout the State, there was and is, a poignant grief, an inexpressible sorrow, a repressed tear, that will find no surcease in his continued absence.

I. D., as he was familiarly known by a wide acquaintance, was born in

this county, and except for a few years spent in study at the University of Texas in preparation for his life work, he ran his course among neighbors and friends who knew him in childhood, and who respected and honored him throughout his maturer years. Let it be recorded here, as the judgment of one who knew him well, that no man in East Texas stood higher in the councils of the State. During all the years that he represented the people of this region in their legislative halls, he never espoused an unworthy cause, nor dodged an issue that concerned their welfare. Education of the masses was close to his heart, and to him as much as any other was due the credit of establishing a great teachers' college at Nacogdoches.

Typical of the soil from which he sprang, he was loyal to the piney woods in this section of our State, and in him these people and their institutions found an able and honest defender. But he had a broader vision than that—he loved Texas and all its people. Never, in my recollection, did he lose interest in the general welfare of his native State. Coming from a pioneer family in these parts, in early life he imbibed from precept and example, the democracy of independence.

To my way of thinking, his rise to prominence is the best and surest inspiration which a country boy can have. After securing such education as it was possible for him to get in the rural schools of this county, he managed to complete his law course at our State University. This done, he set up an office here in Lufkin, where he continued to practice until his death. Both in his law practice, and in his legislative work, his natural inclination ran with the under-privileged. He was ever a staunch supporter of labor, in all its proper efforts to secure just recognition. His whole life, as I saw it, leaned toward the correction of abuses and to the bringing about of justice in the world.

How completely he performed his duties, and how well the causes he espoused were vindicated, history will attest. But at this early hour, after his departure, I make bold to say that he has gained and will securely hold his place among

the immortals of the Senate of Texas. For more than twenty years he was a member of the bar in this City, and in his relations with the courts and lawyers I am told that he has measured fully up to its history and traditions.

In all lines looking to the general welfare, he was a potent factor in this community, and served with distinction in every one of his endeavors. He was a born leader in whatever he undertook to do, and in his movements for the common good he never shirked nor neglected an opportunity to so wield his influence, that others seeing his good works, might choose to follow him.

Though stern in his views concerning fundamental principles of his faith, and never faltering while choosing to espouse the right as he saw it, he was withal a man of charming personality. His condemnation of what he believed to be wrong was only equalled by his defense of what he believed to be right. He loved the truth for truth's sake, and scorned the traitor and hypocrite, because these twin evils have ever been subversive to the fixed purposes of orderly society. It was sometimes said by his friends that he lacked diplomacy in dealing with matters that affected his personal standing. That may have been true to a certain extent, but if so, it was after all to his credit. My friend was a plain, blunt, man; and allowed nothing in this world to stand between him and the strict performance of a duty as he saw it, and that regardless of consequences to his own well being. If there awaits a just judgments of our actions hereafter, then an eternal reward will most certainly be the portion of those who have not swerved from justice, to satisfy a worldly ambition by catering to questionable diplomacy.

For nearly a decade, I knew him as a colleague in the Senate of Texas. I worked closely with him through all these years, and while we did not always agree on what was best to do in a given circumstance, I learned early to accord him the same honesty of intention which I reserved to myself. He was a true son of the Old South—suave in his demeanor, of unfailing courtesy, of stern conviction, gentle as a woman, and brave as a

lion. In all my association with him I found him unscrupulously honest, and possessed of the greatest contempt for anything like a trick played upon another in the performance of duty, of any man I ever knew. He never struck below the belt, and had no respect for one who did. He played the game of life fairly, and expected others to do the same.

Being a masterly debater, his mind was of that rare quality which comprehended the question at issue in its largest aspect, subordinating details to the clear grasp of the principles involved, and subjecting their lesser value always to the attainment of right and justice. But with this, he never failed to remember that the justice which he had in mind was that which comprehended the acts between man and man, as applied to the whole race, rather than the twisted view of a few individuals. With this quality of mind, he combined a delightful candor in his relations with his colleagues in the Senate. Always firm in his views, he possessed that rare courage which counted it no weakness to yield when convinced that he was wrong. One of his finest outstanding characteristics, as I shall remember him, was his simple child-like faith. He had faith in himself, faith in his fellows, and faith in the goodness of God. He viewed the beauties of the hour face forward, and firmly believed that right would eventually triumph over wrong, and justice over injustice, wherever a contest had been waged.

In this he carried out the teachings and concepts of every true lawyer, and representative of the people. He has left a great and imperishable imprint upon the minds of those who knew him best, both in his private life and in his public career—the former found in an unbroken course of unselfish conduct, and in the splendid fruition of an upright life; and the latter woven into the enduring records of his country, his State, and the Nation. In all that pertained to the life and progress of the people of East Texas in particular, our friend and colleague was an outstanding heroic figure. By reason of his office and his profession, he was given great opportunity to do good which he in

part created. Always and everywhere, those who observed him in action could find him spending and being spent in an effort for the common weal. The nature of his profession brought him constantly in contact with the people, and in numberless cases his services were given without hope of fee or reward, except the satisfaction of knowing while he lived that he had brightened the pathway of some less fortunate soul.

I realize that nothing we may say here will add to or detract from his many virtues, nor will mere words linger in the memory of those who loved him, to light his golden graces. His course is run, and looking back across life's pitful highway, we touch a period of introspection, which enable us now to accept the things he did at their true value, and to appropriate their larger meaning to the proper enlightenment of our own poor natures; and to subject their usage to the greater purposes for which they are given into our feeble hands.

It is certain that we do but render service to ourselves when we pause to contemplate the lives of men like him; and steep ourselves in the memory of their virtues and their achievements.

Gentle, brave, honest, courtly, and masterful of intellect, our comrade has joined the hosts beyond the stars, leaving to his family and his native State, a priceless legacy of distinguished, patriotic, and unselfish service.

Where good soldiers in all ages have found Valhalla's Hall, let them salute and hail him, as another son come home! On some lost field of Asphodels, let the birds of paradise warble their joyous welcome, amid the nodding rose-buds of another springtime.

I. D. Fairchild: Statesman, Patriot, Lawyer, and Friend, we bid you goodbye, but not forever! Your piney wood region has been prolific of empire builders, who have made their imprint upon the history of Texas and America. Campbell and Cooper, Dies and Gene Blount, have preceded you to the New Jerusalem; and have joined company with their fathers of an older day, who blazed the path of civilization for the Texas of today. This array of immortals will bid you welcome

to its shining shores. May the Supreme Judge of Heaven and earth fill your soul with that full measure of happiness reserved for the just, in that last land of eternal sunshine and unfading flowers for which a life of service has made you worthy.

Bills Signed.

The Chair Lieutenant Governor Barry Miller gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 215.

H. J. R. No. 6.

H. B. No. 459.

House Bills Referred.

H. B. No. 458 referred to Mining, Irrigation, and Drainage.

H. B. No. 10 referred to Committee on Educational Affairs.

H. B. No. 16 referred to Committee on Agricultural Affairs.

Motion to Print.

Senator McFarlane moved to print a letter from Mr. Monzingo in the Journal.

Senator Woodul moved as a substitute that the letter be referred to the Committee on Penitentiaries.

Senator McFarlane moved to table the motion. The motion was lost.

The motion to refer the letter prevailed by the following vote:

Yeas—10.

Berkeley.	Pollard.
DeBerry.	Stevenson.
Holbrook.	Williamson.
Hornsby.	Witt.
Martin.	Woodul.

Nays—10.

Cousins.	McFarlane.
Cunningham.	Parr.
Gainer.	Patton.
Greer.	Small.
Hyer.	Thomason.

Present—Not Voting.

Parrish.

Absent.

Beck.	Russek.
Hardin.	Westbrook.
Moore.	Woodward.

Absent—Excused.

Love. Neal.
Miller. Wirtz.

The Chair voted "Yea."

S. J. R. No. 2.

The Chair laid before the Senate on third reading the following resolution:

S. J. R. No. 2, Proposing to amend the Constitution of the State of Texas by adopting a new section which shall provide that the supreme court of Texas may sit at any time during the year for the transaction of business, and that its terms shall begin and end with each calendar year, and repealing existing provisions in conflict therewith.

The resolution was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Love. Neal.
Miller. Wirtz.

Senate Bill No. 269.

The Chair laid before the Senate on third reading the following bill:

S. B. No. 269, A bill to be entitled "An Act creating a State Bureau of Criminal Identification and Investigation; providing for its organization, and defining its powers and duties."

The bill was read third time and finally passed.

Senate Bill No. 351.

The Chair laid before the Senate as special order the following bill:

S. B. No. 351, A bill to be entitled "An Act appropriating the sum of Twenty-five Thousand (\$25,000) Dollars, or so much thereof as may

be necessary for the compensation and expenses of the Commissioner appointed by the Supreme Court of the United States under the decree of that court based upon its opinions of December 5, 1927, and April 9, 1928, in Cause No. 2 Original in Equity, October Term, 1927, styled State of New Mexico, Complainant vs. State of Texas to locate and mark upon the ground and boundary line between the State of Texas and the State of New Mexico under the judgment of said court, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 351 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Love. Neal.
Miller. Wirtz.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Love.
Miller.Neal.
Wirtz.

Senate Bill No. 287.

The Chair laid before the Senate as special order the following bill:

S. B. No. 287, A bill to be entitled "An Act to amend Article 6205, 6221, and 5227 of Title 109 of the Revised Civil Statutes of 1925, and to amend Article 6214 of Title 109 of the Revised Civil Statutes of 1925, as amended by Chapter 95 of the General Laws of the Fortieth Legislature, and to add Article 6222a, and declaring an emergency."

The bill was read second time.

Senator Martin sent up the following amendment:

Amend S. B. No. 287, page 1, lines 24 and 25 by substituting for "Prior to January 1st, 1910," the following: "Prior to January 1st, 1912."

MARTIN.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 287 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Love.
Miller.Neal.
Wirtz.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Love.
Miller.Neal.
Wirtz.

Senate Bill No. 309.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 309, A bill to be entitled "An Act providing for the sale by the Texas Prison Board of 5.72 acres of land adjoining the Imperial State Farm to Benjamin Clayton; regulating the manner, terms and price of the sale, authorizing and empowering the Texas Prison Board to make the sale and authorizing the chairman or vice-chairman to execute a deed of conveyance to be attested by the Board's secretary, and creating an emergency."

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 309 by striking out the words \$140.00 and insert in lieu thereof the words and figures \$300.00 per acre.

McFARLANE.

The amendment was read.

Senator Woodul moved to table the amendment. The motion prevailed by the following vote:

Yeas—12.

Beck.	Small.
Berkeley.	Stevenson.
Holbrook.	Thomason.
Martin.	Witt.
Parrish.	Woodul.
Pollard.	Woodward.

Nays—9.

Cousins.

Cunningham.

DeBerry.	Moore.
Hornsby.	Westbrook.
Hyer.	Williamson.
McFarlane.	

Absent.

Gainer.	Parr.
Greer.	Patton.
Hardin,	Russek.

Absent—Excused.

Love.	Neal.
Miller.	Wirtz.

Senator Witt sent up the following amendment:

Amend S. B. No. 309 by adding to Section 2 the following:

Provided, there shall be no conveyance of the minerals and the State shall reserve the same and the right to develop the same in any manner by the Board desired.

WITT.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 309 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Love.	Neal.
Miller.	Wirtz.

The bill was read third time and finally passed by the following vote:

Yeas—17.

Beck.	Martin.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Holbrook.	Small.

Stevenson.	Witt.
Thomason.	Woodul.
Westbrook.	Woodward.
Williamson.	

Nays—5.

DeBerry.	McFarlane.
Hornsby.	Moore.
Hyer.	

Absent.

Gainer.	Parr.
Greer.	Russek.
Hardin.	

Absent—Excused.

Love.	Neal.
Miller.	Wirtz.

Senate Bill No. 231.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 231, A bill to be entitled "An Act to authorize the Railroad Commission of Texas, or any member or designated employee, thereof, to hold joint or cooperative hearings with the Interstate Commerce Commission, or its accredited representative, within the State of Texas, or any other State in the Union, or District of Columbia; to authorize the members of the Railroad Commission of Texas, or any member thereof, to accept the provisions of any law that may be passed by the Congress of the United States authorizing state regulatory bodies to act for, with or as a part of the Interstate Commerce Commission in dealing with any interstate transportation matter, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 231 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.

Westbrook.
Williamson.
Witt.

Woodul.
Woodward.

Absent—Excused.

Love.
Miller.

Neal.
Wirtz.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Moore.	

Absent—Excused.

Love.
Miller.

Neal.
Wirtz.

Recess.

On motion of Senator Pollard, the Senate, at 12:00 o'clock noon, recessed until 2:00 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Bill No. 392.

The Chair laid before the Senate, on second reading, the following bill:

By Senator Parr:

S. B. No. 392, A bill to be entitled "An Act to amend Section 143, Chapter 25, General Laws of the Thirty-ninth Legislature, as amended by Section 3 of Chapter 107, General Laws of the Fortieth Legislature, First Called Session, by inserting the words "the county or counties in which such district is situated" in lieu of the words "the board of directors, supervisor or other governing body of such district," repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 392 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Martin.	Woodul.
Moore.	Woodward.

Nays—1.

McFarlane.

Absent—Excused.

Love.
Miller.

Neal.
Wirtz.

The bill was read third time and finally passed.

Senate Bill No. 393.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 393, A bill to be entitled "An Act to provide for the conversion of Navigation Districts created and organized under Section 52 of Article 3, of the Constitution of the State of Texas, into navigation districts under the reclamation and conservation provisions of Section 59 of Article 16, of the Constitution, defining and declaring the powers of all navigation districts heretofore organized and created or hereafter organized and created irrespective of the law under which they were created, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 393 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.

Berkeley.

Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Moore.	Woodul.
Parr.	Woodward.

Absent—Excused.

Love.	Neal.
Miller.	

The bill was read third time and finally passed.

Senate Bill No. 407.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 407, A bill to be entitled "An Act to amend Article 2784, Revised Statutes of 1925, to fix the maximum rate of tax to be levied for school purposes in all school districts including independent districts, consolidated districts, rural high school districts and common school districts organized under general or special laws; repealing all laws in conflict herewith both general and special; and declaring an emergency."

On motion of Senator Hyer, the bill was laid on the table subject to call.

Senate Bill No. 312.

Senator Woodward called up from the table the following bill:

S. B. No. 312, A bill to be entitled "An Act to define license tax, regulate and control recreation establishments, fixing penalties for violation of said act, and declaring an emergency."

The bill was read second time.

Senator Hyer sent up the following amendment:

Amend S. B. No. 312, Section 10 by adding:

"4. To knowingly permit any person under the age of twenty-one to work in or in connection with, to visit, to habituate, to loiter about, or to be in any way associated with, in or about any such establishment."

HYER.

The amendment was read and lost by the following vote:

Yeas—7.

Cousins.	McFarlane.
Greer.	Patton.
Hornsby.	Pollard.
Hyer.	

Nays—17.

Beck.	Stevenson.
Berkeley.	Thomason.
Cunningham.	Westbrook.
DeBerry.	Williamson.
Gainer.	Wirtz.
Holbrook.	Witt.
Martin.	Woodul.
Parr.	Woodward.
Russek.	

Absent.

Hardin.	Parrish.
Moore.	Small.

Absent—Excused.

Love.	Neal.
Miller.	

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 312 was put on its third reading and final passage, by the following vote:

Yeas—21.

Beck.	Pollard.
Berkeley.	Russek.
Cousins.	Stevenson.
Gainer.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Martin.	Witt.
Parr.	Woodul.
Parrish.	Woodward.
Patton.	

Nays—4.

Cunningham.	Greer.
DeBerry.	McFarlane.

Absent.

Hardin.	Small.
Moore.	

Absent—Excused.

Love.	Neal.
Miller.	

The bill was read third time and finally passed by the following vote:

Yeas—17.

Beck.	Stevenson.
Berkeley.	Thomason.
Gainer.	Westbrook.
Holbrook.	Williamson.
Hyer.	Wirtz.
Martin.	Witt.
Parr.	Woodul.
Pollard.	Woodward.
Russek.	

Nays—8.

Cousins.	Hornsby.
Cunningham.	McFarlane.
DeBerry.	Parrish.
Greer.	Patton.

Absent.

Hardin,	Small.
Moore.	

Absent—Excused.

Love.	Neal.
Miller.	

Senator Pollard moved to reconsider the vote by which the bill was finally passed. The motion was lost by the following vote:

Yeas—9.

Cousins.	McFarlane.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hornsby.	

Nays—16.

Beck.	Stevenson.
Berkeley.	Thomason.
Gainer.	Westbrook.
Holbrook.	Williamson.
Hyer.	Wirtz.
Martin.	Witt.
Parr.	Woodul.
Russek.	Woodward.

Absent.

Hardin.	Small.
Moore.	

Absent—Excused.

Love.	Neal.
Miller.	

Senator Witt Excused.

On motion of Senator Parrish, Senator Witt was excused for the

afternoon on account of important business.

Senate Bill No. 3.

The Chair laid before the Senate as special order the following bill:

S. B. No. 3, A bill to be entitled "An Act declaring the permanent policy of the people of Texas and the Legislature thereof with reference to public free schools, and for the purpose of promoting the public school interests of Texas, etc."

Senator Thomason moved that this bill be made second special order for Wednesday morning.

The motion prevailed.

Senate Bill No. 386.

The Chair laid before the Senate on second reading the following bill:

By Senator Berkeley:

S. B. No. 386, A bill to be entitled "An Act exempting the proceeds of any policy of life insurance, including the cash value thereof from execution or liability to any creditor of the insured."

The bill was read second time.

Senator Berkeley sent up the following amendment:

Amend S. B. No. 386, by adding in the first line of Section 1, after the word, "Proceeds," the following words, "and or the cash value thereof," and by striking out of Section 1, after the words "wife, husband or children of insured," the words, "including the cash value thereof."

BERKELEY.

The amendment was read and adopted.

The bill as amended passed to engrossment.

Senate Bill No. 5.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 5, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1929, and ending August 31, 1931, as follows, to-wit: Abilene State Hospital; Austin State School; Austin State Hospital; Pasteur Institute; Confederate Home; Confederate Woman's Home; Deaf, Dumb and Blind Institute for Colored Youths; Girls Training

School; Home of Dependent and Neglected Children; State Hospital for Crippled and Deformed Children at Galveston; State Juvenile Training School; State Orphans Home; Rusk State Hospital; San Antonio State Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; and declaring an emergency."

On motion of Senator Pollard, the bill was laid on the table subject to call.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 318, A bill to be entitled "An Act exempting from taxation public property used for public purposes; actual places of religious worship and any property owned by a church or by a strictly religious society for the exclusive use as a dwelling place for the ministry of such church or religious society and which yields no revenue whatever to such church or religious society. Providing that such exemption shall in no event be more than one acre of land; exempting places of burial from taxation which are not held for private or corporate profit, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has failed to pass the following bill:

By Senators Thomason and Holbrook:

S. B. No. 174, A bill to be entitled "An Act providing for the office of district attorney in the Second Judicial District of Texas to perform the duties of a district attorney under the Constitution and laws of

this State; providing that the present district attorney in said district shall hold his office to and including December 31, 1930, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 88.

The Chair laid before the Senate on second reading the following bill:

S. B. No. 88, A bill to be entitled "An Act to amend Article 941 of the 1925 Penal Code of the State of Texas, so as to make it unlawful for any person to place, set, use or drag any seine, net or other device for taking fish and shrimp other than the ordinary pole and line, trot line, set line, or cast net or minnow seine not more than twenty feet in length for catching bait within the coastal or tidal salt waters of Texas, except the Gulf of Mexico beyond one mile of any pass leading from the Gulf of Mexico to any bay, lake, lagoon, bayou or other body of such water; providing for use of spear, gig or light for taking flounders in such waters, except during the months of November and December of each year; providing for confiscation of nets, seines and other tackle for evidence, and providing for penalties, and declaring an emergency."

The Committee amendments were adopted.

Senator Parr sent up the following substitute for the bill:

Amend S. B. No. 88 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 941 of the 1925 Penal Code of the State of Texas be, and the same is hereby amended so as to hereafter read as follows:

Article 941. It shall be unlawful for any person at any time to place, to set, or drag any seine or net, or use any other device or method for taking fish and shrimp other than the ordinary pole and line or cast net, or minnow seine of not more than twenty feet in length for catching bait within the waters of Agua Dulce Creek, Oso Creek, Shamrock Cove, Nueces Bay, Ingleside Cove, Red Fish Cove, Shoal Bay, Mud Flats, Shallow Bay, all of Aransas Bay between Port Aransas and Corpus Christi Bayou and lying between

Harbor Island and Mud Island, Copano Bay, Mission Bay, in Refugio County, Puerto Bay, St. Charles Bay, Hynes Bay, Conter Lake, Powder Horn Lake, Oyster Lake, Galveston Bay, Turtle Bay, West Bay, East Bay, Bastrop Bay, Offats Bayou, Oyster Bay, Tres Palacios Bay, all that portion of Matagorda Bay lying within the limits of Matagorda County and all other bays and inlets embraced within the limits of the counties of Chambers, Galveston, Brazoria and Matagorda, Sabine Pass, leading from Sabine Lake to the Gulf of Mexico, San Luis Pass, leading from Galveston West Bay to the Gulf of Mexico, Turtle Bay, Lost Lake or Old River Lake in Chambers County, as shown by the government charts, Brown's Cedar Pass, Mitchell's Cut, Pas Cavallo, leading from Matagorda Bay to the Gulf of Mexico; Cedar Bayou, leading from Mesquite Bay to the Gulf of Mexico; North Pass or St. Jo Pass; Aransas Pass leading from Aransas Bay to the Gulf of Mexico; Corpus Christi Pass, leading from Corpus Christi Bay, the Gulf of Mexico, Brazos, Santiago Pass, leading from the Lower Laguna Madre to the Gulf of Mexico or the pass on the north of Laguna Madre, leading into Corpus Christi Bay, which pass shall be defined as beginning one-fourth of a mile southwest of Peat Island and running from said point to Flour Bluff, all of said waters being situated in Nueces County, and all other passes connecting the Bays and tidal waters of this State with the Gulf of Mexico, or within one mile of such passes, or within the waters of any pass, stream or canal; leading from one body of Texas bay or coastal waters into another body of such waters; provided that nothing in this article shall prevent the use of spear or gig and light for the purpose of securing flounders from such passes, at any time of the year except the months of November and December, which months shall constitute a closed season on flounders in all coastal waters of the State, and it shall be unlawful to possess or to take any flounder from the tidal waters of this State during the months of November and December of any year.

The Game, Fish and Oyster Commissioner is hereby directed to make investigations in the bays and in-

lets of this State to determine the best methods for the protection and conservation of fish and other marine life. Should any such investigation disclose that certain waters should be closed against fishing with any seine, net, spear, gig, light, or other devices, except with hook and line or cast net or minnow seine of not more than twenty feet in length, for the protection of spawning grounds, or grounds which afford suitable coverage and protection to young fish, and that any other waters in the bays of this State should be closed in order to facilitate the enforcement of the laws governing closed waters, the Game, Fish and Oyster Commissioner shall give notice of a public hearing to be held at his office in Austin, at least two weeks before said hearing giving reasons why such action is deemed necessary, and which notice shall contain a designation of the area which it is proposed to close, and stating that after the date indicated in such notice that it will be unlawful to drag a seine or net or use a gig or spear, and light in taking fish from such designated waters for the period of the time which the Commissioner in said notice shall declare same to be closed, and provided that such periods of closing shall be for not less than two years nor more than ten years. Such notices shall be posted in the principal fish houses in two or more towns nearest the waters to be closed, and shall contain the information as to where and when the hearing is to be held. When the facts adducted at such hearing shall determine that the areas under consideration should be closed, the Game, Fish and Oyster Commissioner is hereby directed to issue a proclamation closing the waters designated in his public notice. The Game, Fish and Oyster Commissioner, when proper hearing has been had, and investigation has been made, and he has determined that any such closed area in the tidal waters of this State does not promote the conservation of fish, he shall open such areas to seining, netting, gigging and fishing of all sorts. For the purpose of locating all closed waters mentioned in this Article, it shall be the duty of the Game, Fish and Oyster Commissioner to have erected suitable stakes, monuments or markers at points deter-

mined by him as being the outermost boundaries of such closed waters, such stakes or markers to bear the words "Warning—Closed Waters." Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and on first conviction, shall be fined not less than fifty (\$50.00) dollars, nor more than two hundred (\$200.00) dollars, and shall have his license revoked for a period of time not exceeding two years; and on second conviction shall be confined in the county jail for not less than thirty nor more than ninety days; and shall have his license revoked for a period of not less than two years; provided, further, that the Game, Fish and Oyster Commissioner, or his deputy, shall have power to seize and keep such seines, or other tackle in his possession as evidence until trial of defendant, and no suit shall be maintained against him therefor."

Section 2. The fact that the use of nets and seines in the coastal salt water bays, passes, lakes, lagoons, bayous and other bodies of such water is destroying small fish, shrimp and their nesting places, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The substitute was read.

Senator Holbrook moved to table the substitute.

The motion was lost by the following vote:

Yeas—11.

Cunningham.	Patton.
Gainer.	Pollard.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Woodward.
Parrish.	

Nays—14.

Berkeley.	Parr.
Cousins.	Russek.
DeBerry.	Stevenson.
Greer.	Westbrook.
Hyer.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Present—Not Voting.

Beck.

Absent.

Moore. Small.

Absent—Excused.

Love. Neal.
Miller.

House Bill Referred.

H. B. No. 319 was read and referred to Committee on Labor.

Senate Joint Resolution No. 20.

Senator Woodward sent up the following resolution:

Proposing an amendment to the Constitution of the State of Texas, providing for a Court of Criminal Appeals of five members, and for a continuous session of that court.

The resolution was read and referred to the Committee on Constitutional Amendments.

Motion to Concur.

On motion of Senator Thomason, the Senate voted to concur in the House Amendments to S. B. No. 310 by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

Absent—Excused.

Love. Neal.
Miller.

On motion of Senator Thomason, the Senate voted to concur in the House amendments to S. B. No. 291 by the following vote:

Yeas—28.

Beck.	Hardin.
Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Martin.
Gainer.	McFarlane.
Greer.	Moore.

Parr.	Thomason.
Parrish.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodul.
Stevenson.	Woodward.

Absent—Excused.

Love.	Neal.
Miller.	

Adjournment.

On motion of Senator Wirtz, the Senate, at 5:25 o'clock p. m., adjourned until 10:00 o'clock Tuesday morning, by the following vote:

Yeas—18.

Beck.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
Gainer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Wirtz.
Hyer.	Witt.
Martin.	Woodward.

Nays—8.

Berkeley.	Parr.
DeBerry.	Stevenson.
Greer.	Williamson.
McFarlane.	Woodul.

Absent.

Moore.	Small.
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Absent—Excused.

Love.	Neal.
Miller.	

APPENDIX.**Petitions and Memorials.**

Lovelady, Texas, Feb. 9, 1929.
Senator McFarlane,
Austin, Texas.

Dear Sir:

In compliance with our phone conversation and in addition to what I have already said and wrote in regards to the Prison system, will say that I have been managing large cotton, corn and alfalfa farms for the past 26 years and have been making good as such, but I might say that I was more handicapped in the last year that I was on Harlem Farm than I ever was in all my life before and it was all caused by R. H. Baker and Mrs. Speer, I say this because they were

the only ones who exercised authority over me while I was on Harlem Farm, the way they wanted the convicts handled, I could not cultivate two acres of land per convict. The last year I was on Harlem Farm the convicts were required to work about one-half as much as a free man would be compelled to work to make an honorable living.

I was afraid to work the convicts any more than this for fear that I would get a bawling out, or fired, from Mrs. Speer or Mr. Baker. Mr. Baker stated to me that he and Mrs. Speer were one and the same when it came to authority in the prison system. Mrs. Speer seemed to interest herself in picture shows, ball games, radios, boxing gloves and music for the convicts, and she didn't want the Johnson Grass to interfere with this either, all such conduct as this on their part and many other small things too numerous to mention led me to believe that they wanted a bad showing made on the farms. I believe they hated to see me on the oldest farm in the system making as good showing as I was. I have been on river farms for the past 26 years and I can safely say that the State of Texas owns some as good farms as I ever saw, namely all of Brazos bottom, Eastham, Ferguson farms, if they were properly handled.

I don't think Mrs. Speer and Mr. Baker ever give the expenses of the prison system a thought, they would have their dietician (who was a German lady) who was paid a good salary to have lots more grub cooked each meal than the men could eat. The only way I could overcome any of this waste was to feed it to my hogs and chickens, which was very expensive feed for such.

They also had a high priced canning lady to come down and superintend the canning of our vegetables. She canned 160 gallons of beets for me and 80 gallons of them spoiled or exploded so I stuck my knife in the rest of them to keep them from exploding and fed them to the hogs to prevent a total loss.

This dietician didn't help me any, only in getting some cooking utensils that I couldn't get unless she said so.

We did not need a Dietician for we had a good many prisoners who were as good cooks as could be found anywhere. The ones that knew how to cook could teach others, so there was no chance for us to get without good cooks. This Dietician's husband was given a job in the kitchen in the walls in Huntsville and he could not make good so was let out. I thought if she could not teach her own husband something, she would be a poor excuse to teach other men anything.

This Dietician and Mr. Baker caused my convict cook to be transferred from my house to another farm to cook for another manager without saying anything to me about it until they moved him. I say this just to show the small things that they would resort to, such as this and other things just as small, makes me think that R. H. Baker is too small a man for the position he holds in the prison system.

Mrs. Speer would have me to bring prisoners from the farm to Houston to her office, and they were rank prisoners. So, I would handcuff them in order to keep from having to hurt them or they hurt me. For this, she gave me a bawling out for bringing them in handcuffed. The next week R. H. Baker came down to the farm and gave me another bawling out about the same thing, so I told Mr. Baker if I brought any more convicts to his office I would not handcuff them but I would bring them in at his and the convicts risk, so I did this by putting the convict on the front seat of a touring car and sitting behind him with a gun.

They wanted me to treat a convict as though there was no danger in them. I believe if the State Farms were handled by people who know how to farm and by people who would like to see the farms do well that they could be easily made self-sustaining.

From the state of cultivation that the farms are in now they don't show that they have ever had a fair chance. They should be handled by competent people for two or three years before condemning them. About half of the convicts have never learned to do any kind of work and I find that field work on

a farm is the easiest thing for them to learn to do. I know that the convicts ought to be treated right and I also know that this can be done and make them self-sustaining. I don't believe in punishing a prisoner just because he cannot help himself. Any one who would do such a thing ought not to be in charge of prisoners. I believe if a prisoner gets unruly that he ought to be punished to the amount and method that it takes to get him right. I don't believe in self government among prisoners, because they are not capable of governing themselves. We have convict committeemen in our system now and they do all harm and no good. If a man can't govern himself in the right way when he is free he ought not to be expected to do it after he is a prisoner. Mrs. Speer and Mr. Baker are the wrong people to have full charge of the prison system for they are not willing to give the people who have to control the prisoners a fair deal.

Mr. Baker wants to sell all of the prison farms and more especially the Harlem and Imperial and I will say that it would be better to sell or give them away if he is to continue to be manager over them.

Mr. McFarlane, you not being acquainted with me I will refer you to Senator Nat Patton and Representative John A. Long of Houston County, as to my character, farming and business ability.

Hoping you much success on the stand that you are taking in the disposition of the prison farms, I am,

Yours truly,
B. B. MONZINGO.

Breckenridge, Texas, Feb. 5, 1929.
Senator W. P. McFarlane,
Austin, Texas.

Dear Sir and Friend:

I have just been reading about the penitentiary and the conditions of the penitentiary at this time. It sounds like a child's play to me, as you went over all of the system with me last year, or in 1927, and found the farms in good condition. The colored prisoners on the farms are much better housed and looked after under my care than the tenant farmer among that class of people on the outside, by a lot, as they had good sewerage accommodations, and the houses were all screened from

flies and mosquitoes and they had plenty of good wholesome common sense food, and when these buildings were inspected by Commissioners or the Manager, they were kept in good sanitary condition.

I don't know how a railroad man who never saw a convict has been keeping them for the last year. The prisoners use to call me the Fly Commissioner, because I refused to let them keep the screens off of the windows so the flies could get inside, and forced them to keep all the chinchies killed out of their beds and bed clothing.

All that talk about being crowded for room for these prisoners is the lack of good management, as they have five good saw mills on the eleven farms, or they had them when I left there, and there was a lot of lumber sawed on the Eastham farm. They could make the foundation blocks out of live oak and they have plenty of other timber, or can get it a lot cheaper than they can buy lumber to make all the frame of large buildings. They could have taken the money that the manager spent on his residence and built a good building to house two hundred of these prisoners, and they could have taken the Assistant Manager's salary and the salary of the Farm Superintendent, two positions that have been filled since I left there, and built another with the help of this lumber and these live oak blocks to have housed two hundred more.

There are thousands of acres of fine land still in timber on the Ramsey farm, Darrington Farm, Eastham Farm and on the Retrieve Farm that could be put into cultivation, and these prisoners could be made an asset to the prison system instead of a liability, and also be better housed.

They need another camp on the Harlem farm, and they could easily build another camp there and take care of two hundred men, and this would help them wonderfully to take care of their crops during the hoeing season of the year when the Johnson grass is so bad in the cotton and corn, and in the fall they could pick their cotton out twice as quick. It would put the system in better shape as they would also have plenty of extra labor to make fine gardens, as you know that is the finest garden

country in Texas, or to my opinion, any other State.

The only trouble that I ever had was the fact that the State had so many of those large farms, when they would start pardoning prisoners out they would always make us short on labor during these two seasons of the year. In 1927 if I had had the men that they had in 1928, I could have easily made five or six hundred thousand dollars more for the State than I did.

Mr. Baker said to me two or three times, "you are going to make such a large crop this year that I don't believe we will ever get the Legislature to give the Board plenary power to dispose of these farms." I thought of course that he was just joking, but since Monzingo seems to view the situation as he does, he must have meant it.

If you have your investigation don't fail to have Dr. W. G. L. Blackwell from Sugarland, Texas. He is a personal friend of Governor Moody, but was insulted by Mr. Baker and was caused to leave, but he is a very fine man and a fine doctor, and is well liked and honored by every body in that part of the State. Also you must be sure and have Mr. W. F. Magee, the penitentiary auditor, as I think that he can give you a good deal of light on what you are trying to do.

I am sure you knew that they had a detention building and hospital built to take care of a lot of the prisoners that were being carried to Huntsville from Houston, seventy-three miles, and back to the farm, that costs the State thousands of dollars every year. If the prisoners on the lower farms had been left at the detention camp and examined there and the healthy ones carried on to the farms, that would have ended a lot of this expense, but since Dr. Scott and Mrs. Speer came around they decided not to use this hospital, and also there was an X-ray room built for an X-ray. They said the reason they did not want to have the hospital there, was because it was in the overflow district, and it was only about four hundred yards from the highway that does not overflow, and there was a hospital at Sugarland, about one mile from the camp that could be used in case of emergency. There has only been three

or four of these overflows there in the last thirty years, so I don't think that would have bothered them very much. It would have given temporary benefit to this congested condition that they talk about now.

If you had been there, or any other good business man, you would have already had plenty of buildings built on these farms and these men would have been well housed and as happy as confined men could be, with plenty of good milk, eggs and vegetables and a lot of things that the poor tenant farmers over the State of Texas do not have.

Mr. C. C. Johns is the cabinet-maker at Huntsville and has charge of all the building for the system. I am sure that you know it is very foolish to put in any more prisons at Huntsville as there is nothing on earth for them to do there except have them lying around in idleness, when they could be doing something on these farms. If Odell is begging to move the system out of the city, then why is he asking for money to build more room there?

During the Ferguson Administration when the farms were weedy in the summer, I had only two hundred and twelve men in Huntsville. I just imagine they have not had discipline and have not made the men work and they have just laid up in the buildings and it had run up a heavy cost on the State. The men would have been much happier had they enforced strict discipline and put them out in the fresh air and made them work. Everybody knows that when you destroy discipline in a penal institution you have nothing left to work on.

When Mrs. Speer's name was first sent into the cashier's office to be placed on the pay roll at three hundred dollars per month, it was set as giving her title as executive secretary, but I found out later that Lee Simmons of Sherman had written Chairman Baker that he thought the first mistake was in hiring this political woman and placing her in this position. In about one week my secretary came to me and said Mr. Baker had called her up and told her to put Frank Tiller's name as secretary of the Board and Mrs. Speer's name as secretary to the chairman, so I am sure that at first they intended

for her to run the whole system until this complaint was made.

I rode from Houston to Austin one night and met a man by the name of Humphrey who was a prison man. He did not know who I was and talked rather freely. The Legislature was in session and the next morning I met him in the lobby with Mrs. Speer and she introduced me to him and I told her that I met him on the train the night before. Later some one sent me a little pamphlet that carried a speech that he had supposedly made in New York in a hotel, but I do not remember the name just now, but the speech was made to what was called the Merchant's Manufacturers Association. In other words I think it was what we call down here the Prison and Labor Board that Mrs. Speer was executive secretary of. He said in his speech, "If you will listen to me for a while, it will be money in the pockets of at least each one present." As a rule when you hear something said about prison, you think of some one full of sentiment, but not so in my case, as you understand that this sentiment as it is used, is in more able hands than mine. He said this same question came up in Texas a while back, but Texas was ready and beat the case. This was, I think, to keep any kind of manufacturers out of the South that was being put in opposition to the manufacturers in the East. Of course I am just guessing at this.

Mr. Humphrey again came to Huntsville under the direction, I understand, of the National Prison and Prison Labor Board, and copied all of our requisitions for supplies and used eight or ten girls and boys from the Sam Houston College, and when he went to leave he had them to sign blank vouchers for their pay. This is the last I have ever seen or heard of him.

Hoping this will be of some benefit to you, I am

Respectfully,

H. W. SAYLE,

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Feb. 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 65

carefully examined and compared, and find the same correctly enrolled, and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 18 carefully examined and compared, and find the same correctly enrolled, and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 105 carefully examined and compared, and find the same correctly enrolled, and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 138 carefully examined and compared, and find the same correctly enrolled, and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Feb. 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 395 carefully examined and compared, and find the same correctly enrolled, and have this day, at 4 o'clock p. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 317 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 258 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 411 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 26 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 316 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 355 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 270 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 405 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 320 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 388 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 266 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 279 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 389 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 306 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 336 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 253 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 462 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 451 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 361 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 448 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 319 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 483 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 348 carefully examined, and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 384 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 2 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 386 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 312 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 393 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 392 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 231 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 309 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 287 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 351 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 7, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 412, A bill to be entitled "An Act amending H. B. No. 86, passed by the House February 18, 1925, creating the Sayers Independent School District; describing the boundaries thereof, providing a Board of Trustees for its government; specifically granting supervising exemptions to it; investing it with power to make oil leases; applying General Laws to it; retaining its assets and liabilities and tax rate; and carrying the emergency clause."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HORNSBY, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 475, A bill to be entitled "An Act authorizing county judges to sell common school district bonds; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 217, A bill to be entitled "An Act to amend Article 2749, R. S., 1925, relating to the duties of trustees of common school districts in the control of the public schools; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 92, A bill to be entitled "An Act to amend Article 2547 (2443) Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, pages 197 to 199, inclusive, of the General Laws of the State of Texas, passed by the Fortieth Legislature at the Regular Session, which article and chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the Commissioners Court to secure such deposits; and further providing that any banking corporation, association or individual banker, selected as a County Depository may in lieu of the execution of a bond, pledge and deposit with the Commissioners Court, United States Bonds, Certificates of Indebtedness of the United States, bonds of the State of Texas, and of any county, city, town, independent school district, common school district or bonds issued un-

der the Federal Farm Loan Act, or road district bonds; and providing further for the increase or the reduction of the securities so pledged or for substitution of such securities; and further providing for venue of suits or bonds, and for penalty for depositing or receiving deposits where sufficient security has not been pledged; and which amendment to said Article 2547, being Chapter 129 of the General Laws of the State of Texas passed by the 40th Legislature at the regular session, providing for the execution of bonds for securing county deposits; providing who may make such bonds, the manner in which such deposits shall be secured, the amount of such bonds, and providing that any banking corporation, association or individual banker selected as County Depository may in lieu of the execution of a bond pledge and deposit with the Commissioners Court, United States Bonds, Certificates of indebtedness of the United States, bonds of the State of Texas, or of any County, City, Town, Independent School District, Common School district, or bonds issued under the Federal Farm Loan Act, or road district bonds and providing for the increase or reduction of the securities so pledged, or for substitution of such securities, and providing for venue of suits on bonds; and further providing for the filing of financial statements by sureties on personal bonds, and the investigation of the solvency of sureties and surety companies, as well as of the value of securities pledged in lieu of personal bonds, and for the making of a new bond or bonds as deemed necessary, and to repeal all laws and parts of laws, either civil or penal, in conflict herewith, including that part of said Article 2547 being Chapter 129 of the General Laws of the State of Texas passed by the 40th Legislature at the regular session, in and by which a penalty is imposed on persons depositing with or paying into any depository, or accepting any such deposit or payments without first having ascertained that such county depository has pledged and in the hands of the Commissioners' Court for the purpose of securing such county funds, the required amount of the securities of the kind permitted by law; the said penal part of said article

being carried as Article 425-A of the Penal Code, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 492, A bill to be entitled "An Act authorizing the transfer of territory from one school district to another; providing for the distribution of the assets and liabilities of the transferred territory and assumption of any bonded indebtedness affected by a transfer of territory; provided for an election for the assumption of bonded indebtedness and the levying of the necessary bond tax, prescribing and defining the duties of the county board of trustees, county judge, commissioners' court and school district trustees with reference to such transfer of territory and elections providing for the assumption of bonded indebtedness; repealing all laws and parts of laws; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 109, A bill to be entitled "An Act to require all persons who teach in the public schools to be American citizens."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed, as S. B. No. 98, being the same bill has been printed.

HORNSBY, Vice-Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Dear Sir:

We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 481, A bill to be entitled "An Act to accept the benefits and provisions of the Act of Congress authorizing the extension of Federal Aid for construction of toll bridges on the highways included in the Federal System, under certain conditions and limitations, 44 United States Statute 1398, approved March 3, 1927, to empower the Highway Commission of Texas to cooperate with the Federal Bureau of Roads in the construction of such toll bridges, etc."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WITT, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 479, A bill to be entitled "An Act to amend Article 5033, Revised Statutes 1925, relating to discrimination and other practices in connection with the sale of life insurance policies, so as to better regulate the sale of stocks, bonds and other securities in connection with life insurance policies, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and not otherwise.

MOORE, Chairman.

By Hyer, Beck. S. B. No. 479.

A BILL

To Be Entitled

An Act to amend Article 5053, R. S. 1925, relating to discrimination and other practices in connection with the sale of life insurance policies so as to better regulate the sale of stock, bonds and other securities in connection with life insurance policies, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5053 of the Revised Civil Statutes of the State of Texas of 1925 be and the

same is hereby amended so as to hereafter read as follows:

"Article 5053. No insurance company of any kind doing business in this State shall make or permit any distinction or discrimination in favor of individuals between the insured of the same class and of equal protection of life in the amount of, or payment of, premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits thereon; nor shall any such company or agent thereof make any contract of insurance or agreement as to such contract other than as expressed in the policy issued thereon; nor shall any such company, or any officer, agent, solicitor, or representative thereof, pay, allow, or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insurance, any rebate of premiums payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for service of any kind, or anything of value whatsoever, or any valuable consideration or inducement whatever not specified in the policy or contract of insurance; nor shall any such company, or any officer, agent, solicitor, or other representative thereof, give, sell or purchase, or offer to give, sell or purchase, as an inducement to insurance, or in connection with any policy of insurance, or in connection with the sale thereof; any stocks, bonds or other securities of the company writing the insurance or of any other insurance company, or of any other corporation, association or partnership, then organized or thereafter to be organized or any dividends or profits to accrue thereon; nor shall any such company issue any policy containing any special or board contract or similar provision, by the terms of which said policy will share or participate in any special fund derived from a tax or a charge against any portion of the premium on any other policy. Any company or any officer or agent thereof violating the provisions of this article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than one hundred nor more than five hundred dollars, and the said company shall, as an additional penalty, forfeit its certificate of au-

thority to do business in this State and the said agent shall, as an additional penalty, forfeit his license to do business in this State for one year. The company shall not be held liable under this article for any act of its agent, unless such act was authorized by its president, one of its vice-presidents, its secretary, or by its board of directors.

Sec. 2. In view of the fact that the present statutes may be sufficient to authorize the sale of stock in connection with policies of insurance, when such sale is specifically mentioned in the policy of insurance, and in view of the further fact that certain companies in Texas have heretofore, in good faith, engaged in, and certain other companies are at the present time in good faith in the process of organization to be engaged in the practice of selling stock with policies of life insurance, it is therefore, enacted that companies that have on or before February 20, 1929, filed with the Commissioner of Insurance of this State the forms and data required of foreign and domestic companies to secure a permit to do business in the State of Texas, be, and they are hereby excepted from the operation of this article, if admitted, until December 31, 1930.

Sec. 3. The fact that there is now no law regulating or prohibiting the giving or selling of stocks in connection with policies of life insurance, and a necessity exists for a law prohibiting the practice of inducing the taking of insurance through offers of sale of stock in corporations, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House shall be suspended, said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 11, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 330, A bill to be entitled "An Act establishing a State Sanitary Code which provides for the prevention and control of diseases; giving the State Health Officer and State Board of Health authority to promulgate orders, rules and regulations

for the protection of the public health; repealing the old State Sanitary Code known as Chapter 4, Article 4477 of the revised Civil Statutes of Texas of 1925, and repealing all laws, articles sections and subdivisions in conflict or inconsistent with this Act; prescribing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following sub-committee amendments, and be printed in the Journal.

BECK, Chairman.

Sub-Committee Amendment No. 1.

Proposed Substitute for Chapter 10, Milk Sanitation, State Sanitary Code Senate Bill No. 330.

Section 1. Principles of Milk Sanitation. The following general principles of milk sanitation are hereby specified as a guide to be used by the State Board of Health in the promotion of milk sanitation in Texas:

"Milk produced for sale and sold to the consumer as whole milk or as sweet cream must come from animals free of disease and be handled thereafter until it reaches the consumer by persons free of communicable diseases, and in such a manner as will prevent its infection by harmful bacteria and tend to preserve its original purity and freshness."

Sec. 2. Provisions for Extension of State Aid. The State Health Officer is hereby authorized to assist with the promotion of milk sanitation in such cities, towns, and counties of Texas which are not financially able to provide for same, and in the following manner: He may furnish the services of his representatives to counties, cities, and towns making application therefor, and he is hereby authorized to accept from any county, city, or town monies of an amount estimated and agreed upon as will defray the expense incurred in fulfilling the assignments and provided the funds so received shall be placed in the State Treasury to the credit of a fund to be known as "Milk Inspection Fund," the same being hereby appropriated, and shall be used by the State Health Officer in the promotion of milk sanitation. Such funds shall be paid out by warrants issued by the Comptroller of the State of Texas drawn

on the State Treasury on the requisition of the State Health Officer.

Sub-Committee Amendment No. 2.

Amend S. B. No. 330 by striking out all of Chapter 8, relative to plumbing.

By Beck, Patton, S. B. No. 330.
Cousins, Pollard.

A BILL

To Be Entitled

An Act establishing a State Sanitary Code which provides for the prevention and control of disease; giving the State Health Officer and the State Board of Health authority to promulgate orders, rules, and regulations for the protection of the public health; repealing the old State Sanitary Code known as Chapter IV, Article 4477, of the Revised Civil Statutes of Texas of 1925; and repealing all laws, articles, and subdivisions of laws in conflict or inconsistent with this Act; prescribing a penalty; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Chapter I. General Statutory Regulations.

Section 1. Repeal of Existing State Sanitary Code and Other Statutes. In order to provide more effectively for the control and prevention of disease among the people of Texas, Article 4477 of Chapter IV of the Revised Civil Statutes of Texas of 1925 known as the Sanitary Code, and such other articles and sections as may be in conflict with this Act, are hereby repealed and the following sections and subdivisions shall constitute the Sanitary Code of the State of Texas. Provided, that all other laws or parts of laws now in force relating to the State Health Department, the State Board of Health, and the State Health Officer, and all other laws relating to public health, sanitation, and the control and prevention of communicable, contagious, and infectious diseases shall remain in full force and effect, except in so far as the same may be in conflict with the provisions of this Act.

Sec. 2. Duties and Powers of the State Health Officer. In addition to the duties and powers previously established by legislative enactment, the State Health Officer shall be empowered to employ the most efficient

and practical means for the prevention and suppression of disease, and it shall accordingly be his duty so to do, and to administer the health laws and the Sanitary Code, and to establish with the endorsement of the State Board of Health, such other rules and regulations as are necessary to carry into effect this Act and for the prevention and suppression of disease. The State Health Officer shall assist and advise local health officers in the performance of their duties, and may require the enforcement of any law, regulation, or ordinance relating to public health; and with the health authorities of this and other states, shall secure information and data concerning the control of disease and conditions affecting or endangering the public health, and he shall make such information available to the people of this State as may be of value to them. When requested by the local health officers, he shall visit their jurisdictions to investigate, consult, and advise on any conditions affecting the public health, make inspections of public hospitals, asylums, prisons, schools, and other institutions and submit a report of his investigations, to the State Board of Health with such recommendations as he may deem proper. The State Health Officer may also, with the approval of the State Board of Health, employ such clerical and other assistance as may be necessary and purchase supplies and materials for use in the said State Department of Health as may be required for the proper discharge of the duties of his office.

Sec. 3. Duties of Local Health Officers. It shall be the duty of city and county health officers and sanitary inspectors to file complaints in the proper courts when violations are brought to their attention, or when warranted, and it shall be the duty of the city, county, and district attorneys to prosecute such violations.

Chapter II. Communicable Diseases.

Section 1. Reportable Diseases. The following diseases are declared to be communicable or dangerous to the public health and shall be reported in the manner hereinafter provided.

Division A.

Actinomycosis.

Acute Infectious Conjunctivitis.

Anchylostomiasis.
 Anthrax.
 Chicken Pox.
 Cholera.
 Dengue.
 Diphtheria.
 Dysentery (amebic).
 Dysentery (bacillary).
 Encephalitis Lethargica (epidemic).
 Favus.
 German Measles.
 Glanders.
 Influenza (epidemic).
 Leprosy.
 Malaria.
 Malta Fever.
 Measles.
 Meningococcus.
 Mumps.
 Paratyphoid Fever.
 Plague.
 Pneumonia (acute lobar).
 Poliomyelitis (infantile paralysis).
 Puerperal Infection.
 Rabies.
 Rocky Mountain Spotted or Tick Fever.
 Scarlet Fever.
 Septic Sore Throat.
 Smallpox.
 Tetanus.
 Trachema.
 Trichinosis.
 Tuberculosis (pulmonary).
 Tuberculosis (other than pulmonary).
 Tularaemia.
 Typhoid Fever.
 Typhus Fever.
 Whooping Cough.
 Yellow Fever.

Division B.

Chancroid.
 Gonorrhea.
 Syphilis.

Division C.

Beriberi.
 Botulism (food poisoning).
 Pellagra.
 Scurvy.

Division D.

Analine Poisoning.
 Arsenic Poisoning.
 Benzine Poisoning.
 Benzol Poisoning.
 Bisulphide of Carbon Poisoning.
 Carbonmonoxide Poisoning.
 Compressed Air Illness.
 Dinitrobenzine Poisoning.
 Lead Poisoning.
 Naphtha Poisoning.

Natural Gas Poisoning.
 Phosphorus Poisoning.
 Turpentine Poisoning.
 Tetraethyl Lead Poisoning.
 Wood Alcohol Poisoning.

Sec. 2. Records and Reports. (1) Definition of a Report. For the purposes of this Code a disease may be said to be reported when the name of the person, address, age, sex, and the name of the disease existing or suspected, and the date of the onset have been reported to the proper health authority. Provided, that for the diseases listed, those of Division B shall be reported in accordance with Section 1 of Article 4445, Revised Statutes of 1925; and provided further that if the disease reported is one listed in Division D, the report shall include the name and address of the employer.

(2) How Diseases Are to Be Reported. Disease Divisions A and G: (a) By completing report card for such diseases and sending the same to the proper health authority; (b) The health officer, at his discretion, may accept verbal or telephone reports, provided the required data are immediately recorded on a report card.

Disease Divisions B and D: By completing the report card for such diseases and sending the same direct to the State Health Officer.

(3) Time of Reporting. All reports shall be submitted to the proper health authority within six hours after seeing the case. The report shall state whether the diagnosis is provisional or final.

(4) To Whom Reports Shall Be Made. All diseases listed in Divisions A and C shall be reported to the health officer having jurisdiction. All diseases listed in Division B shall be reported in accordance with Section 1 of Article 4445 of the Revised Statutes of 1925; and all diseases listed in Division D shall be reported direct to the State Health Officer.

(5) Persons Required to Make Reports. (a) Physicians in attendance on a case of reportable disease shall report the same in the manner specified in these regulations.

(b) When no physician is in attendance, superintendents or persons in charge of hospitals, sanitariums, dispensaries, schools (public, private or parochial), or other institutions, nurses, midwives, teachers, dairy

managers, heads of private households, proprietors and keepers of hotels, boarding houses, restaurants, lodging houses and camps, masters of vessels, and heads of industrial establishments, or any other person or persons either attending or having knowledge of a reportable disease, shall communicate such fact to the health officer.

(c) Laboratories. The director or person in charge of a laboratory authorized by the State Board of Health shall, at the end of each month, report to the State Health Officer the total number of specimens examined by such laboratory showing the presence of each reportable disease.

(d) Embalmers. When called to embalm the body of a person whose death certificate certifies that the primary or contributory cause of death was a reportable disease, shall communicate such fact to the health officer having jurisdiction.

(6) Telegraphic Reports. In addition to reporting in the manner specified above, a telegraphic report shall be sent by the physician in attendance to the State Health Officer on the following diseases: Anthrax, Glanders, Plague, Rocky Mountain Spotted Fever, Typhus Fever, and Yellow Fever, Leprosy.

(7) Handling of Reports by City and County Health Officers. Upon receipt of report by the health officer, the same shall be recorded upon a morbidity report book. The individual report cards on all diseases received during the current week up to and including Saturday, together with the completed tabulation card, shall be mailed to the State Health Officer at the end of each week.

Sec. 3. Precautionary Measures.

(1) Duties of Physician. It shall be the duty of the attending physician immediately upon discovering a case of communicable disease to order such isolation of case and disinfection of discharges as are necessary to prevent its spread, and it shall be the duty of the person so ordered to comply with such instructions unless and until he is otherwise notified by the health officer having jurisdiction.

(2) Duties of Health Officer. Whenever the health officer is informed or has reason to believe that

a reportable disease exists within the territory over which he has jurisdiction, he shall, either in person or through his authorized representative, immediately examine the facts in the case and institute such measures as are contained in the regulations of the State Board of Health for preventing the spread of such diseases.

(3) Duties of Common Carriers. All persons concerned with the management and operation of common carriers shall observe the rules for such carriers as contained in the "Sanitary Code for Common Carriers" as hereinafter contained.

(4) Duties of Superintendents of Institutions. Boarding schools, boys' and girls' camps, hospitals, almshouses, jails, or other similar institutions (public or private), shall provide a room for isolation. All persons known or suspected of being afflicted with any communicable disease shall be immediately segregated and the health officer notified.

(5) Duties of School Authorities. (a) Diseases Excludable. No teacher, pupil, or employee shall be permitted to attend any public, private, parochial, or Sunday school when infected or suspected of being infected with any of the diseases listed in Divisions A and B, or of being a carrier of such disease, or while suffering from impetigo contagioso, pediculosis, ringworm or scabies.

(b) Certificate for Return. Unless otherwise excluded, it shall be the duty of the school health official, teacher, principal, or board of directors to exclude such teacher, pupil, or employee and prohibit his return to school until a certificate is presented from a physician or health officer stating that such teacher, pupil, or employee is free from such disease and incapable of transmitting the same.

(c) Diseases in the Home. No teacher, pupil, or employee shall be permitted to attend school while residing in a home or institution where there exists any of the following diseases in a communicable stage: Cholera, diphtheria, measles, meningococcus, meningitis, plague, poliomylitis, scarlet fever, smallpox, typhus fever, whooping cough, yellow fever.

(d) Certificate for Return. Unless otherwise excluded it shall be the duty of the teacher, principal, or

board of directors of any school to exclude such person and to prohibit return thereto until a certificate is presented from a physician or the health officer stating that the person is incapable of transmitting such infection.

(e) School Boards Shall Require Vaccination. The school board shall require vaccination against smallpox of all the school personnel and the children applying for admission and shall exclude pupils who refuse to be vaccinated. School boards may also require immunization against any communicable disease when in the judgment of the State Health Officer conditions warrant these protective measures.

(6) Carriers. Management of. Known carriers of communicable disease, unless otherwise specified, shall, for the purpose of these regulations, be considered and controlled as cases of the same disease. The health officer shall take such steps as are necessary to locate carriers, and shall institute such measures as are necessary either to rid the person of the carrier stage of his infection or prevent its transference to another.

(7) Securing Laboratory Specimens From Typhoid Fever and Other Carriers. Any person suspected of being in a condition such that diseases may be spread through his bodily excretions or discharges shall, on request of the local health authority or an authorized agent of the State Department of Health, submit to the State Department of Health specimens of such bodily excretions or discharges, in manner or amount, and at such intervals and under such supervision as is prescribed by the State Board of Health. If deemed necessary by the local or State Officer for the control of the spread of infection, supervision of the collection of specimens shall include temporary hospitalization at public expense.

(8) Contacts. Management of. Persons who have been exposed to communicable disease shall be placed under quarantine restrictions as prescribed by these regulations and such additional restrictions as the health officer may deem necessary; and they shall so remain until such time as they shall have passed the incubation period of the disease to which they were exposed or until it has other-

wise been demonstrated that they are incapable of transmitting infection.

(9) Doubtful Cases. Management Of. Doubtful cases of communicable diseases shall be placed in isolation pending diagnosis.

(10) Dead Bodies. Bodies dead of dangerous communicable diseases shall not be accepted for transportation by common carriers except when thoroughly disinfected according to approved modern methods prescribed by the State Board of Health.

(1) Disinterred Bodies. Except when ordered by court of competent jurisdiction no dead body shall be disinterred until application for disinterment has been filed with, or a permit secured from the local or State Health Officer. Such application for permit shall show the name of the deceased, date of death, cause of death, date and place of burial, probable date of disinterment and of reburial, and shall be signed by a licensed embalmer showing his post office address and his license number and bearing his statement that the disinterment will be handled in accordance with the state statutes.

(12) Laundry. All articles of clothing, bed linen, dressings, and the like coming in contact with patients suffering with communicable disease shall not be laundered by persons and institutions doing public laundry until the articles have first been rendered non-infectious by terminal disinfection or chemical methods.

(13) Milk, sale of. The sale of milk or other dairy products is prohibited (a) from premises upon which there exists the following communicable diseases; Anterior poliomyelitis, diarrhoea and enteritis, diphtheria, dysentery, scarlet fever, septic sore throat, typhoid fever, or paratyphoid fever, unless the milking is performed and the dairy products and milking utensils are handled by persons entirely dissociated from the infected family, and the premises on which the family is confined; (b) from animals having abscess or running sores, actinomycosis, anthrax, foot and mouth disease, garget, tuberculosis, or other contagious or infectious disease, and from animals within fifteen days before and ten days after parturition.

(14) Public Assemblages. Whenever any communicable disease

exists in any community, the health officer, in order to prevent the spread of such disease, may order the closure of schools and other places of public assemblage for such time as may be necessary, and it shall be the duty of the school officers and other responsible persons to comply with such orders. In case the necessity for such order is questioned, the State Board of Health may be appealed to for confirmation or revocation of the order.

Section 4. Disease in Animals Transmissible to Man.

(1) Veterinarians shall report to the State Health Officers on forms supplied for the purpose all cases of actinomycosis, anthrax, foot and mouth disease, glanders, rabies, and tuberculosis coming to their notice, together with the name and address of human contacts.

(2) Local health officers shall take cognizance of these diseases and shall report their occurrence to either the State Veterinarian or the local Deputy State Veterinarian or the local Deputy State Veterinarian. A copy of such reports shall be sent to the State Department of Health. Pending the arrival of the State Veterinarian or one of his deputies, the local health officer or officers shall institute the control measures as promulgated by the State Board of Health and the Livestock Sanitary Commission.

Sec. 5. State Board of Health may Adopt Special Measures.

(1) Designate quarantine area. Whenever, in the opinion of the State Board of Health, ingress to or egress from certain areas of the State endanger the health of other areas of the State or the State as a whole, said area may be designated as a quarantine area and shall be subject to such restrictions as the State Health Officer may impose.

(2) Emergency Regulations. In case of any threatened or general epidemic or improperly controlled situation imperiling the public health, the State Board of Health may designate one or more members or representatives of the State Board of Health to investigate immediately and to take such action as is considered necessary, and within the authority of the State Board of Health. Such representa-

tives shall use their discretion in such emergencies and may promulgate such regulations as may be necessary for that particular locality and for the duration of that emergency. Such regulations shall have the full force and effect of regulations officially adopted by the State Board of Health. When deemed advisable such representatives may call upon a majority of the members of the State Board of Health to assist in the investigation or to pass upon the regulations and procedures adopted.

(3) Power to investigate. Whenever it is reported that a representative of the State Health Officer has failed to perform his duties, an investigation may be made by the State Board of Health and action taken as prescribed by law.

(4) Special Representative. In order to safeguard the health of the people and to prevent the introduction, occurrence, or spread of diseases dangerous to public health, the State Health Officer may appoint any qualified physician or sanitarian, as the case may require, as his special representative and may delegate to such person such duties as the State Health Officer may deem advisable.

(5) Must Prepare Rules and Regulations. In order to protect the public health more effectively it is also hereby made the duty of the State Board of Health to prepare rules and regulations from time to time as new knowledge of disease control is developed, embodying such knowledge in control measures such as vaccination, prophylaxis, quarantine, isolation, placarding, fumigation, disinfection, and sanitation as seems advisable, and said Board is hereby empowered to take such steps as may be necessary for putting into effect such rules and regulations.

(6) These Rules not to Prevent Local Rules. The power of the State Board of Health to prepare rules and regulations shall not be construed to prevent any city, county, or town from establishing any quarantine or other control measures which they may deem necessary for the preservation of the public health; provided, that such rules and regulations shall be consistent with the provisions of this Act and shall be subordinate to said

provisions and the rules and regulations of the State Board of Health.

Chapter III. General Sanitation.

Section 1. Conditions Specifically Declared to Constitute Public Nuisances. The following conditions are specifically declared to constitute public nuisances:

(1) Bakeries, restaurants, food markets, and other places where food is prepared, kept for sale, or served, not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that flies, rats, mice, or vermin are present.

(2) Spoiled or diseased meats, whether exposed and offered for sale, or being transported or kept for sale.

(3) Barns or stables, hogpens, chicken yards, or manure piles, or accumulations of organic materials so maintained as to be breeding places for flies.

(4) The discharge or exposure of sewage, waste waters, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.

(5) Privies not screened against flies in populous districts and privies likely to pollute the ground or surface water from which water supply is obtained.

(6) Transportation of garbage, night soil, or other organic filth except in tight, covered wagons which prevent leakage or access to flies.

(7) Stagnant water likely to afford breeding places for mosquitoes within a residential district or within a distance of a thousand feet (1000) therefrom.

(8) Hide houses, bone boiling, or rendering establishments, or tallow soap works, or other trades, when they can be shown to affect public health or produce serious offense.

(9) Buildings, filling stations, construction camps, camp houses, or any part thereof, which are in a dilapidated or filthy condition which may endanger the life or health of persons living in the vicinity.

Sec. 2. Abatement of Nuisance.

(1) Any local health officer upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any

nuisance or pollution comes to his attention, shall within a reasonable time investigate and upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.

(2) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance should be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the local prosecuting attorney having jurisdiction. Copies of all orders shall be kept on file by the health officer in his office and copies of the same shall be furnished the county health officer or to the state health officer upon request.

(3) City and county health officers shall, within their several jurisdictions, examine into all nuisances and sources of filth injurious to the public health, cause such nuisances to be abated, and cause to be removed all filth found which in their judgment may endanger the health of the inhabitants; and all expenses for the abatement or removal of such nuisances or filth shall be paid by the person responsible for same, if known, and if not known, by the town or city or county, as the case may be. When any such filth or nuisance shall be found on private property such officer shall notify the owner or occupant of such property to remove or abate the same at his expense, within such time as the officer shall direct, and if he shall neglect to remove it, he shall be fined not more than one hundred dollars and pay such expense and costs as shall be incurred by such removal or abatement; any health officer may enter all places within his jurisdiction where there is just cause to suspect any nuisance or sources of filth exist.

Sec. 3. Privies, Cesspools, and other Receptacles for Domestic Sewage.

(1) All human excreta must be disposed of so as not to pollute the soil, contaminate a water supply, be accessible to flies and other insects, or create a nuisance as hereinbefore set forth, in properly managed sewers, treatment tanks, chemical toilets, vaults or pit privies, or by other

methods approved by the State Department of Health.

(2) No privy vault, cesspool or outside toilet shall hereafter be constructed within seventy-five feet of a well or of a human habitation other than that to which it is appurtenant without approval by the local or state health officer and no toilet shall be erected or maintained over any stream or on the banks thereof.

(3) No privy vault or cesspool shall hereafter be constructed or permitted to remain on any premises from which a public sewer is accessible without the permission of the local health officer.

(4) Every privy vault, cesspool or toilet shall be kept in a clean and sanitary condition at all times and should be so constructed and maintained as to prevent the escape of odors and to exclude animals, poultry, rodents, and flies.

(5) Unless the contents of a privy vault or cesspool are disposed of on the land of the owner of said vault or cesspool, a written permit must be secured from the local health officer for the transportation and disposal of such material. Said permit shall designate where and in what manner such material shall be disposed of.

(6) Material from any privy vault or cesspool or human excreta removed from any place shall not be deposited upon any watershed the water of which is used for drinking purposes, or within 300 feet of any highway unless buried or otherwise treated in accordance with the instructions of the local or state health officer.

(7) Sufficient and suitable privy or toilet accommodations, well lighted and ventilated and separated for each sex, shall be provided at public buildings, filling stations, camps, and all places of public assembly.

(8) No kitchen waste, laundry water or sewage shall be allowed to discharge or flow into any gutter, street or roadway, or public place.

(9) No human excrement or material containing human excrement shall be disposed of in such manner that it is likely to gain access to any waters except under conditions approved by the State Department of Health.

Sec. 4. Garbage and Refuse.

(1) The owner of premises upon

which persons reside or which are frequented for pleasure or business shall keep such premises free from accumulations of garbage, rubbish, rags, tin cans, paper, empty barrels, boxes, or any material which because of its character, condition, or improper storage may invite the breeding or collection of flies, mosquitoes or rodents, or which may in any other manner prejudice the public health.

(2) In populous districts stable manure must be kept in a covered water-tight pit or receptacle and shall be removed at least once a week during the period from May first to October first and during the other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the health officer.

Sec. 5. Manufacturing and Other Wastes. No materials or waste products from any mill, factory, slaughter house, rendering or fertilizing works, junk establishments, common carriers, or other industry or utility, shall be stored or deposited so as to cause the surrounding atmosphere, land or water to be contaminated or polluted in such manner as to injure the public health or create offensive conditions.

Sec. 6. Keeping of Animals.

(1) No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within 300 feet of any inhabited house or public meeting place on an adjoining property.

(2) The carcass of any dead animal not killed for food shall be removed and disposed of within twenty-four hours after death by burial, incineration, or other method approved by the local health officer.

Sec. 7. Public Dumps. Any person, firm, or corporation who uses or permits the use of any land as a public dump, shall provide for the covering or incineration of all animal and vegetable matter deposited thereon, and for the disposition of other waste materials and rubbish in such a manner as not to create offensive odors, breeding places for insects or rodents, dissemination of dust or fires.

Sec. 8. Vacant or Abandoned Property. No person shall permit

any vacant or abandoned property owned or controlled by him to be or remain in such a condition as to permit or invite the creation of a nuisance or other abuses prejudicial to the public health.

Sec. 9. No city, town, county, institution, person, firm, or corporation shall operate, maintain, or offer for use, or permit to be used, within the State of Texas any tract of land on which persons may camp except after approval by the State Health Officer, local health officer, or any authorized deputy of either, approval being based on the following regulations:

(1) A water supply of sanitary quality shall be provided in ample quantity to meet all requirements of the maximum number of persons using such a tract at any time. Said water supply shall be easily obtainable from its source or from a distributing system within a distance of not more than 300 feet of any camping spot within such tract.

(2) Any water found unsafe for human consumption on such tract of land shall either be eliminated or purified, or shall be kept posted with placards definitely warning persons against its use.

(3) Fly-tight privies or water-flushed toilets with a system of sewage disposal approved by the State Department of Health shall be provided and shall be maintained in a clean and sanitary condition. Separate toilets for men and women shall be provided, one toilet seat for each 25 men, and one for each 25 women, or fraction thereof, of the maximum number of persons occupying such tract at any time. No camp within such tract shall be at a greater distance than 400 feet from both men's and women's toilet. The location of all toilets shall be plainly indicated by signs.

(4) Supervision and equipment sufficient to prevent littering of the grounds with rubbish, garbage, or other refuse shall be provided and maintained. Fly-tight and water-tight depositories for such material shall be provided and conspicuously located. Every camp on said tract shall be within a distance of not over 200 feet of such depository. These depositories shall not be permitted to become foul smelling or unsightly or breeding places for flies.

(5) The method of final sewage or refuse disposal utilized in connection with the operation of a camp shall be such as to create no nuisance.

(6) The management of every tourist camp and other public camps shall assume responsibility for maintaining in good repair all sanitary appliances on said ground and shall promptly prosecute or eject from such ground any person who willfully or maliciously damages such appliances, or any person who in any way fails to comply with these regulations.

(7) Camp sites shall be adequately drained to prevent the accumulation of stagnant water or provide breeding places for mosquitoes.

(8) All food offered for sale at such camp sites shall be adequately protected against flies, dust, or vermin.

(9) All camp rooms and bedding shall be thoroughly cleaned after each occupancy.

(10) Failure to comply with the foregoing regulations shall be deemed sufficient cause for declaring the premises a nuisance under the provisions of this law.

(11) These regulations shall be printed and kept posted in a conspicuous place in any such camp by the management of such ground.

Sec. 10. Schoolhouses. In every public, private, and parochial school, toilet accommodations, water supply, drinking cups, washing facilities, heating, lighting, and ventilation shall be maintained in sanitary conditions.

(1) Whenever it shall be found by the State Department of Education, or by the local school board, or by any member of the school committee of the town in which any schoolhouse is located, that further or different sanitary provisions or means of lighting or ventilating are required in any schoolhouse, and that the same can be provided without unreasonable expense, either of said boards, or such member of the town school committee may recommend to the person or authority in charge or controlling such schoolhouse such changes in the ventilation, lighting, or sanitary arrangements of such schoolhouse as they may deem necessary. In case such changes be not made substantially as recommended within two weeks from the date of

notice thereof, such board or member of the committee may make complaint to the proper health authority of the community in which the schoolhouse is located, which said authority shall, after notice to and hearing of the parties interested, order such changes made in the lighting, ventilation, or sanitary arrangements of such schoolhouses as it may deem necessary and proper.

(2) The committee having charge of the schools in towns or school districts shall maintain water-closets or privies for the accommodation of the pupils attending the schools therein. When such water-closets or privies are constructed in the same building or under the same roof, and in close proximity to each other, they shall be constructed with a solid partition made of brick, stone, cement, concrete, or metal, or by a double wooden partition with at least four inches air space between the two walls of said partition, so as to effectively separate the water-closets or privies designated for the use of boys from those designated for the use of girls.

Sec. 11. Stagnant Water. No person shall maintain or permit to be maintained any pond, cesspool, well, cistern, rain barrel, or other receptacle containing water or accumulation of stagnant water in such condition that mosquitoes may breed therein or may injure health or cause offense to other persons.

Sec. 12. Sanitation of Watersheds.

(1) No cesspool, privy, or other place for the deposit or storage of human excrement shall be located within 100 feet of the high water mark of any reservoir, stream, brook, or watercourse, flowing into any reservoir used for drinking purposes. Toilets constructed on watersheds must be so constructed as to insure against any portion of the contents reaching the stream or reservoir.

(2) No house slops, sink wastes, or other polluted water shall be discharged on the ground or into the ground within 50 feet of the high water mark of any watercourse or reservoir as above mentioned and no house slops, sink wastes, or other polluted water shall be thrown on the ground within 250 feet of such waters.

(3) No stable, pigpen, chicken house or other structure where the excrement of animals or fowls is

allowed to accumulate, shall be located within 100 feet of the high water mark of any watercourse or reservoir as above mentioned, and no structure of this character shall be located within 250 feet of the high water mark of such waters unless provision is made for preventing manure or other polluting materials from flowing or being washed into such waters.

(4) The term high water mark as used in these regulations applies to any depression into which water may flow at any time during the year.

(5) No hunting, trespassing, fishing, boating, swimming, or bathing, or recreational practices of any kind shall be permitted on or within 300 feet of high water mark of any public reservoir used for storing water for drinking purposes, regardless of subsequent treatment given the water except when special permission is granted by the State Health Officer.

Sec. 13. Swimming Pools. The following regulations shall apply to any swimming pool used by any considerable number of persons other than the immediate family of the owner or proprietor.

(1) The bacterial contamination of the water in swimming pools shall be maintained so that not more than ten percent of samples covering any considerable period of time shall exceed 100 bacteria per cubic centimeter when placed on agar or on litmus lactose agar, at 37 degrees Centigrade and not more than two out of five consecutive samples collected on different dates shall show a positive test in ten cubic centimeters of water for B Coli. A residual of from 0.2 to 0.5 parts per million of chlorine shall be maintained in public swimming pool waters at all times while in use.

(2) At all times when the pool is in use the water shall be sufficiently clear to permit a black disc 6 inches in diameter on a white field, placed on the bottom of the pool at the deepest point, to be clearly visible at a distance of twenty-five feet when the surface of the water is undisturbed. The water in any swimming pool shall not be artificially heated to a temperature above 72 degrees F.

(3) Whenever alum or sulphate or aluminum is used during purification or re-purification of swim-

ming pool waters, the water at all times when the pool is in use shall show an alkaline reaction. Whenever an alkaline re-agent is added to a swimming pool, such water shall at no time show a reaction for caustic alkalinity.

(4) The dressing rooms, hallways, toilet rooms, shower rooms, or other rooms to which patrons of bath houses shall have access shall be kept clean and well ventilated at all times. No combs or brushes for common use shall be provided for the use of patrons.

(5) Facilities shall be provided for adequately protecting the pool against unnecessary sputum contamination by bathers.

(6) All persons known or suspected of being afflicted with communicable diseases shall be excluded from the pool.

(7) The construction and appliances shall be such as to reduce to a practical minimum danger of drowning and of injury to bathers from falls or collisions. No swimming pools shall hereafter be constructed except after the plans are approved by the state department of health.

(8) All bathing suits and towels furnished to patrons shall be thoroughly washed with soap and hot water and thoroughly rinsed and dried after each use.

Sec. 13. Common Towel and Common Drinking Cup.

(1) All towels except paper towels provided by any hotel or rooming house for the use of guests therein, or by any public lavatory shall not be furnished for subsequent use until thoroughly washed and dried. Each guest occupying a room in any hotel shall be furnished with such towels in such room; and in the public washroom, if any, in such hotel or rooming house, there shall be kept at all times, in sight and of easy access to guests, a sufficient supply of individual towels.

(2) It shall be unlawful to provide a common drinking cup in or upon the premises of any public building, hotel, restaurant, theatre, public hall, schoolhouse, or store, and in any public park, or at any fair grounds or other places of public assemblage, on any street, railroad station, railroad car, or steamboat.

All drinking fountains shall meet

the sanitary requirements of the state department of health and all water coolers shall have separate containers for ice.

Sec. 14. Cross Connections Between Water Supplies. After December 31, 1930, no physical connection between the distribution system of a public water supply and that of any other water supply shall be permitted, unless such other water supply is of safe sanitary quality and the interconnection of both supplies is approved by the state department of health.

No officer, board, corporation, or other person or group of persons, owning or having the management or control of any portable water supply furnished to any municipality or water district, shall supply water to any person, firm, or corporation who maintains such connection.

Provided: That where such physical connection exists and includes two gate valves with indicator posts, two check valves of a design approved by the state department of health with drip cock and gauges for testing, all located in a vault of water-tight construction readily accessible for periodic inspection, the date of discontinuance may be temporarily extended, with the permission of the state department of health.

Sec. 15. Permissible Arrangements Where Dual Supplies are Used. If a public potable water supply is used as an auxiliary supply delivered to a tank, which tank is also supplied with water from a source with which cross connections are not permitted by Regulation 14, such tank shall be open to atmospheric pressure and the potable water supply shall be supplied above the maximum level of water in the tank. The tank overflow shall be of adequate size to fix definitely the maximum level.

If the auxiliary water supply is secured from a tank supplied only from a potable water supply and directly connected to a potable water supply, such tank shall be so constructed as to avoid any possible contamination of the water in the tank.

Sec. 16. No water shall be used or rendered available for drinking and for other personal or domestic uses in any industrial plant, unless such supply is of safe sanitary

quality approved by the state department of health. If a water supply for industrial or fire protection purposes is obtained entirely or in part from a source not approved for drinking purposes, this supply shall be distributed through an independent piping system having no connection with the systems for drinking and for other domestic use.

Sec. 17. Those Supplying Water for Human Consumption Responsible. No owner, agent, manager, or operator having charge of any water works furnishing water for public or private use shall knowingly furnish contaminated water or permit the appliances thereof to become filthy or in such condition as to impair the purity or healthfulness of the water thus supplied.

Sec. 18. Every owner or manager of a water plant located in cities of over 50,000 population shall arrange to have the water tested daily as to its sanitary quality and furnish the state department of health with monthly reports thereon. Specimens of water shall be submitted at least once each month to the state department of health for analysis by the owner or manager of every water plant or water supply from which water for public or private use is furnished.

Sec. 19. Approval of Plans Required for Water Supplies and Sewerage Systems. No system of water or sewerage for public use, which affects or tends to affect public health, shall be installed, nor shall any such existing system be materially altered or extended, until complete plans and specifications for the installation, together with such information as the state department of health may require, have been submitted in duplicate and approved by the said department so far as relates to their sanitary features. All construction shall take place in accordance with the plans as approved, whether with or without modification.

Sec. 20. Whenever any governing body of any municipality having charge thereof shall determine that there shall be any material change in the plans, construction, or operation of any such system, such governing body shall submit to the state department of health, in duplicate, a detailed statement of such

action and such contemplated changes before it shall enter upon the making of such changes or enter into any contract thereof or any part thereof, and then such changes shall only be made after approval as to all matters liable to affect public health, by the state department of health.

Sec. 21. Pollution of Water and Action by State Department of Health. No sewage or other matter that will impair the sanitary quality, potability, or palatability of water or adversely affect its usefulness for stock drinking, fish life, agriculture, or domestic purposes shall be deposited where it will fill or drain into any pond or stream used as a source of water supply for domestic use. The state department of health shall have general charge of all springs, wells, ponds, and streams so used, and shall take all necessary and proper steps to preserve the same from such pollution as may endanger the public health or create a nuisance. In case of violation of any of the provisions of this Section, the department may, with or without a hearing, order any person to desist from causing such pollution, and to comply with such direction of the department as it may deem proper and expedient in the premises. Such order shall be served forthwith upon the person found to have violated such provisions.

Sec. 22. Within five days after service of such order, any person aggrieved thereby may appeal to the district court of the county on which such polluted source of water supply is situated; and such appeal shall be taken, prosecuted, and determined in the manner provided for such suits in such courts. During the pendency of such appeal, the pollution against which the order has been issued shall not be continued, and upon violation of such order the appeal shall forthwith be dismissed.

Sec. 23. Manufacture and Handling of Ice. No person except officers, employees or others whose duties require shall be permitted to go upon the platform covering the tanks in which ice is frozen in ice factories. All employees whose services are required on tanks shall use extra foot-wearing apparel while on the tank platform.

Sec. 24. Ice contaminated with sand, dirt, cinders, lint, or any foreign substance shall not be retailed on the streets or offered for sale from wagons when the same is to be used for residential purposes of human consumption. This section shall not apply when ice of this character is used for large storage plants or storage places where food is stored in bulk.

Sec. 25. All water used in the manufacture of ice shall be of a quality coming within the standards of the state department of health for potable water and the water supplies used by ice plants shall be subject to the approval of the state department of health.

Chapter IV. Sanitation of Public Fair Grounds.

Section 1. No public fair grounds shall be used except after full and literal compliance with the following regulations;

(1) Water Supply. Any water supply available for drinking and washing dishes on the fair ground shall be of safe sanitary quality. Any water found unsafe for human consumption on such grounds shall either be eliminated or purified by a process approved by the State Department of Health or shall be kept posted with placards definitely warning against its use.

(2) Disposal of Excreta. Fly-tight privies or water-flushed toilets with a system of sewage disposal approved by the State Department of Health shall be provided and shall be maintained in a clean and sanitary condition. Separate installations for men and for women shall be provided and they shall be adequate for the accommodation of all persons attending or using the fair grounds. The location of all toilets shall be plainly indicated by signs.

(3) Disposal of Refuse. Supervision and equipment sufficient to prevent littering of the ground with rubbish, garbage, or other refuse shall be provided and maintained. Fly-tight depositories for such materials shall be provided and conspicuously located. These depositories and any final places of disposition shall not be permitted to become foul smelling or unsightly or breeding places for flies.

(4) Storage and Service of Food.

All foodstuffs stored or exposed for sale must be protected from flies and dust by suitable covers. The term "foodstuffs" includes both raw and cooked foods, candy and any other food not sold in single service fly-tight containers, except food in the process of cooking.

Single service cups, dishes, spoons, and drinking straws shall be protected from flies and dust. All glasses, cups, spoons or dishes that are used repeatedly shall be subjected to cleansing with hot water and soap, and then rinsing in clean hot water, or by other process approved by the State Health Department before being reused.

(5) Drinking Beverages. All drinking beverages not bottled must be kept in fly-tight containers, from which the liquid may be removed only by faucets.

Chapter V. Sanitation of Oyster Shucking Houses and Shellfish.

Section 1. Oyster Shucking Houses. No person, firm or corporation shall operate or conduct an establishment for the shucking of oysters within the State of Texas until it has been inspected by the State Department of Health.

Application for such inspection shall be made in writing by the person, firm, or corporation submitting the application. All certificates of inspection shall be posted in a conspicuous place in the shucking plant.

Sec. 2. Sanitation of Building and Equipment. Every building or room used as a shucking house shall be constructed and equipped as herein after provided and the operations carried on in such building or rooms shall be conducted in such manner that the purity and wholesomeness of the shellfish handled therein shall not be impaired.

(1) All rooms in which shucked oysters are packed, stored, washed, or otherwise handled shall be screened and shall be separate and apart from the room in which the oysters are opened. Such rooms shall be provided with smooth, tight floors which can be readily cleaned. The side walls of such rooms must be constructed of smooth, hard material. All parts of such rooms shall be kept in a clean condition at all times, shall be adequately lighted and ventilated, and shall be provided

with an abundant supply of hot and cold water. All shucking houses must be provided with adequate drainage to lead all waste liquids outside of the building and into a suitable sewer or cess pool, or to some other point where they can be disposed of by not emptying into any stream in which shellfish are grown for consumption or are floated.

(2) Shucking benches constructed of smooth, hard material which can be readily cleansed must be provided, and such benches shall be kept in a clean condition.

(3) Suitable receptacles must be provided for shells and waste materials and located conveniently to the benches where oysters are shucked.

(4) All utensils and containers in which shucked oysters are placed must be of such material and construction as to be readily cleansed. They must be thoroughly cleansed and scalded immediately before being used. Knives used by shuckers must be subjected to the same treatment.

Sec. 3. Packing and Icing of Oysters. Untreated, shucked oysters offered for shipment must be packed in closed containers and thoroughly iced. Oysters must not be packed in contact with ice.

Sec. 4. Shipping of Oysters. Shucked oysters must be shipped the same day they are opened unless stored at a temperature of 45 degrees F., or below, or packed in shipping containers and thoroughly iced. Cans in which shucked oysters are shipped must not be used a second time for this purpose unless the type of container has been approved by the State Department of Health and the containers must be cleansed and sterilized immediately before filling.

Sec. 5. Water Supply. All shucking houses shall be provided with running water secured from a source satisfactory to the State Department of Health. Soap and clean individual towels shall be provided to enable employees to wash their hands. Employees shall be required to wash their hands before beginning work and after visiting the toilet.

Sec. 6. Clean Clothing Required. The outer clothing worn by persons engaged in shucking oysters shall be of material which can be readily

cleansed and clean garments shall be used daily.

Sec. 7. Persons with Infectious Wounds. No persons with infectious wounds in the hands or arms shall be permitted to open or handle oysters.

Sec. 8. Health Certificates Required. All persons engaged in the opening, packing or handling of shucked oysters must secure a certificate from the State Department of Health showing, if deemed necessary by the inspector or local health officer, that bacteriological examination of specimens of urine and feces from the respective persons were negative for typhoid bacilli and paratyphoid bacilli. Certificates must be renewed each year and after an illness of typhoid fever or suspected typhoid fever. No person shall be employed as a shucker unless he holds such a certificate.

Sec. 9. Handling of Shellfish. No oysters or clams shall be sold in the State of Texas for food unless taken from areas certified by the State Department of health, or if taken from outside sources, from such areas as are approved by the state authority having jurisdiction.

Sec. 10. Floating of Oysters. The floating, laying out or storing of oysters intended for use as food shall not be permitted in water of a less salt content than that in which oysters will naturally grow to maturity.

Sec. 11. Disposal of Sewage on Vessels. Owners of all vessels in which men work continuously for more than two hours and who are engaged in the handling of oysters or clams from the planting grounds or in the vicinity of floats upon which oysters are or may be laid out, must provide their vessels with suitable receptacles in which the excreta, both solids and liquid, of persons using such boats shall be received and the contents of such receptacles shall be disposed of either by the sewerage system of a municipality or by incineration or by burial in the ground at points sufficient removed from the banks of streams to prevent the pollution of the waters thereof.

Sec. 12. Disposal of Sewage From Vessels. The discharge of human waste from any boat into the waters directly over or adjacent to areas on

which oysters are being produced for market is prohibited.

Chapter VI. Slaughter House Sanitation.

Section 1. Slaughter Houses Regulated. Every slaughter house or place where the business of slaughtering beef, poultry, or swine or preparing the same for market, is carried on, and the implements, utensils and appliances used therein, shall at all times be kept in a clean and sanitary condition as herein specified.

(1) Hogs Prohibited. No hogs shall be kept in connection with or within 500 feet of such slaughter house.

(2) Disposal of Offal and Refuse. All offal, refuse, and waste material shall be disposed of in a sanitary manner within twenty-four hours after slaughtering.

(3) Water Supply. An adequate water supply, both hot and cold, must be provided and arranged so as to permit a thorough washing of walls, floors, and equipment of the slaughter house.

(4) Disposal of Fat and Bones. All bones and fat must be placed in covered containers and removed from the slaughtering room within twenty-four hours.

(5) Hides and Pelts. Hides or pelts shall not be stored on the floor of any room used for slaughtering, storing or preparing meats or meat food products.

Sec. 2. Construction of Rooms and Floors.

(1) The floors shall be of brick, concrete, or other hard impervious material and properly sloped to outlets covered with removable grating, the bars of which shall not be more than one-half inch apart.

(2) The walls must be covered or made to a height of seven feet with concrete at least three inches thick or other approved impervious material.

(3) All rooms must be properly ventilated and well lighted.

(4) Properly ventilated and refrigerated cooling and storage rooms must be provided. These must be kept in a clean and sanitary condition. They must be screened so as to prevent the entrance of flies and insects.

Sec. 3. Sterilization of Apparatus. All apparatus, containers, and implements used must be thoroughly

cleansed daily after using with boiling water, live steam, or other efficient sterilizing agent subject to the approval of the health officer.

Sec. 4. Meat Must be Kept Off Floor. Meat must be placed on racks, hooks, tables or in suitable containers, and shall never be placed on the floor.

Sec. 5. Sterilization of Offal and Flesh. All offal or flesh fed to swine must be sterilized by cooking before feeding.

Sec. 6. Sanitation of Yards. The yards, fences, pens, chutes, and alleys on the premises, whether they are used or not, shall be maintained in a sanitary condition.

Sec. 7. Disposal of Wastes. Proper facilities shall be provided for the collection and disposal of all liquid wastes, including blood, floor washings, and other material.

Sec. 8. Toilets to be Provided. Toilets must be provided for the use of the employees, the type and location to be approved by the health officer or his representative.

Sec. 9. Alternation of Existing Slaughter Houses. The location and plans for altering old slaughter houses or buildings or building new slaughter houses shall be approved in writing by the State Department of Health.

Chapter VII. Sanitary Code for Common Carriers.

Transportation of Persons Having Communicable Diseases.

Section 1. Persons not allowed to travel. No person knowing or suspecting himself to be afflicted with plague, cholera, smallpox, typhus fever, or yellow fever shall apply for, procure, or accept transportation in any railway train, car or other conveyance of a common carrier, nor shall any person apply for, procure, or accept such transportation for any minor, ward, patient, or other person under his charge if known or suspected to be so afflicted.

Sec. 2. Persons not accepted for Travel. Common carriers shall not accept for transportation in any railway train, car, or other conveyance, any person known by them to be afflicted with any of the diseases enumerated in Section 1, unless otherwise ordered by the State Health Officer.

Sec. 3. Restricted Travel. Com-

mon carriers shall not accept for transportation on any railway train, car, or other conveyance, any person known by them to be afflicted with diphtheria, measles, scarlet fever, epidemic cerebrospinal meningitis, anterior poliomyelitis, mumps, whooping cough, influenza, pneumonia, epidemic encephalitis, septic sore throat, rubella, or chicken pox, or any person known to be a carrier of these diseases, unless such person is placed in a compartment separate from other passengers, is accompanied by a properly qualified nurse or other attendant, and unless such nurse or attendant shall agree to comply and does so comply with the following regulations:

(a) Communication with the compartment within which the patient is traveling shall be restricted to the minimum consistent with the proper care and safety of the patient.

(b) All dishes and utensils used by the patient shall be placed in a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value for at least one hour after they have been used and before being allowed to leave the compartment.

(c) All sputum and nasal discharges from the patient shall be received in gauze or paper, which shall be deposited in a paper bag or in a closed vessel and shall be destroyed by burning.

(d) Said nurse or attendant shall, after performing any service to the patient, at once cleanse the hands by washing them in a 2 per cent solution of carbolic acid or other fluid of equivalent disinfecting value.

Sec. 4. Typhoid and Dysentery. Common carriers shall not accept for transportation on any railway train, car, or other conveyance, any person known by them to be afflicted with typhoid fever, paratyphoid fever, or dysentery, unless said person is placed in a compartment separate from the other passengers, is accompanied by a properly qualified nurse or other attendant, and unless said nurse or attendant shall agree to comply and does so comply with the following regulations:

(a) Communication with the compartment in which the patient

is traveling shall be limited to the minimum consistent with the proper care and safety of the patient.

(b) All dishes and utensils used by the patient shall be placed in a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value for at least one hour after they have been used and before being allowed to leave the compartment.

(c) All urine and feces of the patient shall be received into a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value, placed in a covered vessel, thoroughly mixed, and allowed to stand for at least two hours after the last addition thereto before being emptied.

(d) A sheet of rubber or other impervious material shall be carried and shall be spread between the sheet and the mattress of any bed that may be used by the patient while in transit.

(e) Said nurse or attendant shall use all necessary precautions to prevent the access of flies to the patient or his discharges, and after performing any service to the patient, shall at once cleanse the hands by washing them in a 2 per cent solution of carbolic acid or other fluid of equivalent disinfecting value.

(f) Provided, That if a person with typhoid fever or dysentery is presented at a railway station in ignorance of these regulations, and his transportation is necessary as a life-saving or safe-guarding measure, an emergency may be declared and the patient may be carried a reasonable distance in a baggage car if accompanied by an attendant responsible for his care and removal: Provided also, That regulation (a), (b), (c), (d), and (e) of this section shall be complied with in so far as the circumstances will allow, and that all bedding, clothing, rags or cloths used by the patient shall be removed with him: And provided further, that any parts of the car which have become contaminated by any discharges of the patient shall be disinfected as soon as practicable, but not later than the end of the run, by washing with a 5 per cent solution of carbolic acid or other fluid of equivalent disinfecting value, under the direction of the health officer.

Sec. 5. Restricted Application for Transportation. No person knowing or suspecting himself to be afflicted with any of the diseases mentioned in Sections 3 and 4 shall apply for, procure, or accept transportation in any railway train, car, or other conveyance of a common carrier, nor shall any person apply for, procure, or accept such transportation for any minor, ward, patient, or other person under his charge if known or suspected to be so afflicted, unless he shall have agreed to and made all necessary arrangements for complying and does so comply with the regulations set forth in said Sections 3 and 4.

Sec. 6. Suspected Cases. If a conductor or other person in charge of a railway train, car, or other conveyance of a common carrier, or an agent or other person in charge of a railway station, shall have any reason to suspect that a passenger or a person contemplating passage is afflicted with any of the diseases enumerated in Sections 1, 3, and 4, he shall notify the nearest health officer, or company physician, if the health officer is not available, by the quickest and most practicable means possible, of his suspicions, and said health officer or physician shall immediately proceed to the railway station, train, car or other conveyance at the nearest possible point, to determine whether such disease exists.

Sec. 7. Disposition. If the health officer or physician, as provided for in Section 6, shall find any such person to be afflicted with any of the diseases enumerated in Sections 1, 3 and 4, he shall remove such person from the station or conveyance, or shall isolate him and arrange for his removal at the nearest convenient point; shall treat the car or other conveyance as infected premises, allowing it to proceed to a convenient place for proper treatment if in his judgment consistent with the public welfare, in such case notifying the health officer in whose jurisdiction the place is located; and shall take such other measures as will protect the public health:

Provided, that if not prohibited in Sections 1 and 2 of these regulations, the afflicted person so found may be allowed to continue his travel if arrangements are made to

comply, and he does so comply with the requirement of the section of these regulations pertaining to the disease with which he is afflicted.

Sec. 8. Leprosy. Common carriers shall not accept for transportation nor transport in any railway train, car, or other conveyance, any person known by them to be afflicted with leprosy, unless such person presents permits from the Surgeon General of the United States Public Health Service or his accredited representative, and from the State Department of Health of the states from which and to which he is traveling, stating that such person may be received under such restrictions shall be specified in each instance; and no person knowing or suspecting himself to be afflicted with leprosy, nor any person acting for him, shall apply for, procure, or accept transportation from any common carrier unless such permits have been received and are presented, and unless the person so afflicted agrees to comply and does so comply with the restrictions ordered. If any agent of a common carrier shall suspect that any person in a train, car or other conveyance, or at a railway station, is afflicted with leprosy, he shall proceed as directed in the case of other suspected diseases in Sections 6 and 7 of these regulations.

Sec. 9. Pulmonary Tuberculosis. Common carriers shall not accept for transportation any person known by them to be afflicted with pulmonary tuberculosis in a communicable stage unless said person is provided with (a) a sputum cup made of impervious material and so constructed as to admit of being tightly closed when not in use, (b) a sufficient supply of gauze, papers, or similar articles of the proper size to cover the mouth and nose while coughing or sneezing, (c) a heavy paper bag or other tight container for receiving the soiled gauze, paper, or similar articles; and unless such person shall obligate himself to use the articles provided for in the manner intended and to destroy said article by burning or to disinfect them by immersing for at least one hour in a 5 per cent solution of carbolic acid or other solution of equivalent disinfecting value; nor shall any person knowing himself to be so afflicted

apply for, procure, or accept transportation unless he shall have agreed to and made all necessary arrangements for complying and does so comply with the regulations as set forth in this section.

Sec. 10. Conveyances Vacated by Infected Persons. Immediately after vacation by a person having any of the diseases mentioned in Sections 1, 2, 3, 4, and 8, any berth, compartment, or stateroom should be closed and not again occupied until properly cleaned and disinfected, and all bedding, blankets, and linen in any such place should be laundered or otherwise thoroughly cleansed and disinfected before being again used.

Water and Ice Supplies.

Sec. 11. Water to be Certified. Water provided by common carriers for drinking or culinary purposes in railway trains, cars, or other conveyances, or in railway or bus stations, shall be taken from supplies certified by the United States Public Health Service as meeting the required standards of purity and safety prescribed by the Interstate Quarantine Regulations of the United States.

Sec. 12. Ice. Ice used for cooling water provided as in Section 11 shall be clear natural ice, ice made from distilled water, or ice made from water certified as aforesaid; and before the ice is put into the water it shall be washed with water of known safety, and handled in such a manner as to prevent its becoming contaminated by the organisms of infectious diseases: Provided, that the foregoing shall not apply to ice that does not come in contact with the water to be cooled.

Sec. 13. Water Containers. Water containers in newly constructed cars shall be so constructed that ice for cooling does not come in contact with the water to be cooled: Provided, that after July 1, 1930, all water containers in cars shall be so constructed that ice does not come in contact with the water.

Sec. 14. Care of Water Containers. All water containers where water and ice are put into the same compartment shall be thoroughly cleansed at least once each week that they are in use. All water containers and water storage tanks shall be thoroughly drained and flushed

at intervals of not more than one month.

Sec. 15. Filling Water Containers. Portable hose or tubing that is used for filling drinking-water containers, or car storage tanks from which such containers are filled, shall have smooth metal nozzles which shall be protected from dirt and contamination; and before the free end or nozzle of said hose or tubing is put into the water container or car storage tank it shall be flushed and washed by a plentiful stream of water.

Cleaning and Disinfection of Cars.

Sec. 16. General. All railway passenger cars or other public conveyance shall be kept in a reasonably clean and sanitary condition at all times when they are in service to be insured by mechanical cleaning at terminals and lay-over points.

Sec. 17. Cleaning. All day coaches parlor cars, buffet cars, dining cars, and sleeping cars shall be brushed, swept, and dusted at the end of each round trip, or at least once in each day they are in service, and shall be thoroughly cleaned at intervals of not more than seven days.

Sec. 18. Thorough Cleaning. Thorough cleaning shall consist of scrubbing the exposed floors with soap and water; similarly scrubbing the toilets and toilet-room floors; wiping down the woodwork with moist or oiled cloths; thorough dusting of upholstery and carpets by beating and brushing, or by means of the vacuum process or compressed air; washing or otherwise cleaning windows; and the thorough airing of the car and its contents.

Sec. 19. Odors in Cars. When offensive odors appear in toilets or other parts of the car which are not obliterated and removed by cleaning as in Section 18, said toilets or other parts of the car shall be treated with a 2 per cent solution of formaldehyde or other odor-destroying substances.

Sec. 20. Vermin in Cars. Whenever a car is known to have become infested with bedbugs, lice, fleas, or mosquitoes, such car shall be so treated as to effectively destroy such insects, and it shall not be used in service until such treatment has been given.

Cars in Service.

Sec. 21. Cleaning. The cleaning of cars while occupied shall be limited to the minimum consistent with the maintenance of cleanly conditions, and shall be carried out so as to cause the least possible raising of dust or other annoyances to passengers.

Sec. 22. Sweeping. Dry sweeping of the interior of a car in transit with an ordinary broom is prohibited.

Sec. 23. Dusting. Dry dusting of the interior of a car in transit is prohibited.

Sec. 24. Brushing. The brushing of passengers' clothing in the body of the car in transit is prohibited.

Sec. 25. Drinking Cups. Individual drinking cups in sufficient number shall be supplied in all cars, and the use of common drinking cups is prohibited.

Sec. 26. Towels. The supplying of roller towels or other towels for common use in cars is prohibited.

Sec. 27. Comb and Brush. The supplying of combs and brushes for common use in cars is prohibited.

Sec. 28. Spitting. Spitting on the floors, carpets, walls, or other parts of cars by passengers or other occupants of them is prohibited.

Sec. 29. Cuspidors. An adequate supply of cuspidors shall be provided in all smoking cars, and smoking compartments of cars while in service, if the passenger so desires. Said cuspidors shall be cleaned at the end of each trip, and oftener if their condition requires.

Sec. 30. Brushing of Teeth. Spitting into, blowing the nose into, or brushing the teeth over wash basins in cars is prohibited. Separate basins for brushing the teeth shall be provided in the wash rooms of sleeping cars.

Sec. 31. Drinking Water and Ice. Drinking water and ice on railway cars shall be supplied in accordance with the conditions set forth in Sections 11, 12, 13, 14 and 15 of these regulations.

Sec. 32. Ventilation and Heating. All cars when in service shall be provided with an adequate supply of fresh air and in cold weather shall be heated so as to maintain comfort. When artificial heat is necessary, the temperature should not exceed 70 degrees Fahrenheit, and in sleeping cars at night after passen-

gers have retired it should not exceed 60 degrees Fahrenheit.

Sec. 33. Toilets in Cars. A proper toilet room and lavatory shall be provided in all railway passenger cars for the use of their occupants. Such toilet shall be supplied with toilet paper, soap, and free or pay clean towels, and shall be kept in a clean and sanitary condition. Provided, That cars used exclusively in suburban service are not required to be so equipped.

Sec. 34. Toilets to be Locked. The toilet rooms in all railway cars shall be locked or otherwise protected from use while trains are standing at stations, passing through cities, or passing over watersheds draining into reservoirs furnishing domestic water supplies, unless adequate water-tight containers are securely placed under the discharge pipe. The state health authority having jurisdiction shall designate the area of watersheds that may be affected by pollution from railroads and shall notify the managing officers of railroads as to the points between which all toilets shall be locked.

Sec. 35. Lavatories in Dining Cars. A lavatory shall be provided in all dining cars for the use of dining car employees, and the same shall be supplied with soap and clean towels, and shall be kept in a clean and sanitary condition. Such lavatory shall have no direct connection with the kitchen, pantry, or other place where food is prepared. The word "dining car" as used in these regulations shall be held to include all cars in which food is prepared and served.

Sec. 36. Dining Cars to be Screened. Dining cars shall be screened against the entrance of flies and other insects, and it shall be the duty of dining car employees to destroy flies or other insects that may gain entrance.

Sec. 37. Dining Car Employees To Cleanse Hands. Dining car employees shall thoroughly cleanse their hands by washing with soap and water after using a toilet or urinal, and immediately before beginning service.

Sec. 38. Care of Tableware. All cooking, table, and kitchen utensils, drinking glasses, and crockery used in the preparation or serving of food or drink in dining cars shall be thoroughly washed in boiling water and

suitable cleansing material after each time they are used.

Sec. 39. Food Containers. Refrigerators, food boxes, or other receptacles for the storing of fresh food in dining and buffet cars shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Sec. 40. Food and Milk. No spoiled or tainted food, whether cooked or uncooked, shall be served in any dining car; and no milk or milk products shall be served unless the milk has been pasteurized or boiled.

Sec. 41. Garbage. Garbage cans in sufficient number, and with suitable tight-fitting covers, shall be provided in dining cars to care for all refuse food and other wastes, and such wastes shall not be thrown from the car along the right of way within the limits of cities, towns, or villages, or within drainage areas furnishing domestic water supplies.

Sec. 42. Dining Car Inspection. The person in charge of the dining car shall be responsible for compliance with all dining car regulations, and he shall make an inspection of the car each day for the purpose of maintaining a rigorous cleanliness in all portions thereof.

Sec. 43. Examination of Food Handlers. No person shall serve as a cook, waiter, or in any other capacity in the preparation or serving of food in a dining-car who is known or suspected to have any dangerous communicable diseases. All persons employed for such service shall undergo a physical examination by a competent physician before being assigned to service, and before returning to work after any disabling illness, and at such other time during their service as may be necessary to determine their freedom from such diseases, and shall be immediately relieved from service if found to be so afflicted.

Railway Stations and Bus Stations.

Sec. 44. General. All railway and bus stations, including their waiting rooms, lunch rooms, restaurants, wash rooms, and toilets, shall be kept in a clean and sanitary condition at all times, to be insured by mechanical cleaning at regular intervals.

Sec. 45. Cleaning. All waiting

rooms and other rooms used by the public shall be swept and dusted daily; and at intervals of not more than seven days the floors shall be scrubbed with soap and water, and the seats, benches, counters, and other woodwork shall be similarly scrubbed, or shall be rubbed down with a cloth moistened with oil.

Sec. 46. Sweeping. If sweeping is done while rooms are occupied or open to occupancy by patrons, the floor shall be first sprinkled with wet sawdust or other dust-absorbing material.

Sec. 47. Dusting. If dusting is done while rooms are occupied or open to occupancy by patrons, it shall be done only with cloths moistened with water, oil, or other dust-absorbing material.

Sec. 48. Spitting. Spitting on the floors, walls, seats, or platforms of railway stations is prohibited.

Sec. 49. Cuspidors. In all waiting rooms where smoking is permitted, an adequate supply of cuspidors shall be provided; such cuspidors shall be cleaned daily and oftener if their condition requires.

Sec. 50. Common Cups. Individual drinking cups in sufficient number shall be supplied in all stations, and the use of common drinking cups is prohibited.

Sec. 51. Common Towels. The supplying of roller towels or other towels for common use in railway stations is prohibited.

Sec. 52. Combs and Brushes. The supplying of combs and brushes for common use in railway stations is prohibited.

Sec. 53. Toilet Facilities. All railway stations where tickets are sold shall provide adequate toilet facilities, of a design approved by the State Department of Health, for the use of patrons and employees; and there shall be separate toilets for each of the two sexes.

Sec. 54. Station Toilets. If a railway station is located within 300 feet of a public sewer, water flushing toilets shall be installed and permanently connected with such sewer, and a wash basin or basins shall be located near the toilet and similarly connected; and such toilets and lavatories shall be kept in repair and in good working order at all times.

Sec. 55. Care of Toilets. All toilets installed as set forth in Section 54 shall be cleaned daily by scrub-

bing the floors, bowls, and seats with soap and water.

Sec. 56. Odors in Toilets. When offensive odors appear in toilets which are not obliterated and removed by cleaning as in Section 55, said toilets shall be treated with a 2 per cent solution of formaldehyde or other odor-destroying substances.

Sec. 57. Toilet Supplies. Toilets and wash rooms installed as set forth in Section 54 shall be constantly furnished with an adequate supply of toilet paper, soap and free or pay clean towels.

Sec. 58. Privies. If no sewer connection is available as set forth in Section 54, a sanitary privy of a design approved by the State Department of Health shall be maintained within a reasonable distance from the station. Such privy shall be adequately protected against the entrance of flies, shall be kept supplied with toilet paper, the seats shall be kept clean and the vaults shall be treated with sodium hydrate or other approved disinfectant at least once in each week and shall be cleaned out and emptied at such intervals as will avoid the development of a nuisance.

Sec. 59. Drinking Water and Ice. Drinking water and ice in railway stations shall be supplied in accordance with Sections 11, 12, 13, 14 and 15 of these regulations.

Sec. 60. Water Not Usable for Drinking. If water which does not conform to the standards set forth in Section 11 of these regulations is available at any tap or hydrant or in any railway station, a notice shall be maintained on each such tap or hydrant which shall state in prominent letters, "Not fit for drinking."

Sec. 61. Drinking Fountains. If drinking fountains of the bubbling type are provided in any railway station, they shall be so made that the drinking is from a free jet projected at an angle to the vertical and not from a jet that is projected vertically or that flows through a filled cup or bowl.

Sec. 62. Refuse Cans. At all railway stations where there is an agent there shall be provided and maintained an adequate supply of open or automatically closing receptacles for the deposition of refuse and rubbish, and such receptacles shall be

emptied daily and kept reasonably clean and free from odor.

Sec. 63. Cisterns, Cesspools, etc. All cisterns, water-storage tanks, and cesspools in or about railway stations shall be adequately screened against the entrance of mosquitoes, and all collections of surface water on station property shall be drained or oiled during the season of mosquito flight, to prevent the breeding of mosquitoes.

Sec. 64. Restaurants to be Screened. All restaurants and lunch rooms, or other places where food is prepared or served in a railway station, shall have doors and windows adequately screened against the entrance of flies during the season of flight of these insects; and all food on display or storage racks shall be adequately covered.

Sec. 65. Lavatories for Restaurants. A lavatory of easy and convenient access shall be provided for the use of employees in every restaurant or lunch room in any railway stations, and it shall be provided with an adequate supply of water, soap, and clean towels.

Sec. 66. Restaurant Employees. Restaurant employees who are engaged in the preparing or serving of food shall thoroughly cleanse their hands by washing with soap and water after using a toilet or urinal, and immediately before beginning service.

Sec. 67. Kitchen and Table Utensils. All cooking, table and kitchen utensils, drinking glasses, and crockery used in the preparation or serving of food or drink in railway restaurants or lunch rooms shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Sec. 68. Food Containers. Refrigerators, food boxes, or other receptacles for the storing of fresh food in railway restaurants or lunch rooms shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Sec. 69. Garbage. Garbage cans in sufficient number, and with suitable tight fitting covers, shall be provided in all restaurants and lunch rooms to care for all refuse food and other wastes; and such cans shall be emptied daily in an approved place and kept in a clean and sanitary condition.

Sec. 70. Restaurant Inspection. The manager, chef, or other person in charge of any railway restaurant or lunch room shall be responsible for compliance with all regulations pertaining thereto, and he shall make an inspection of the premises daily for the purpose of maintaining a rigorous cleanliness in all parts thereof.

Sec. 71. Station Inspection. The agent, manager, or other person in charge of any railway station shall be responsible for compliance with all regulations pertaining thereto, and he shall make, or have made by a responsible person reporting to him, frequent inspections of the premises for the purpose of maintaining a rigorous compliance with all such regulations.

Sec. 72. Examination of Food Handlers. No person shall serve as a cook, waiter, or in any other capacity in the preparation or serving of food in a railway restaurant or lunch room who is known or suspected to have any dangerous communicable disease. All persons employed for such service shall undergo a physical examination by a competent physician before being assigned to service, and before returning to work after any disabling illness, and at such other times during their service as may be necessary to determine their freedom from such diseases, and shall be immediately relieved from service if found to be so afflicted.

Construction Camps.

Sec. 73. Definition. For the purposes of these regulations railway construction camps shall be considered to include all camps and similar places of temporary abode, including those on wheels established by or for the care of working forces engaged in the construction, repair, or alteration of railway properties or parts thereof: Provided, That camps which are occupied by less than five people, or camps which are established to meet emergency conditions and are not occupied longer than five days, shall not be included, except that camp grounds must be left in clean and sanitary condition when abandoned.

Sec. 74. General. All camps shall be so located and so maintained as to be conducive to the health of their

occupants and not to endanger the health of the public; and all tents, houses, stables, or other structures therein shall be kept in a reasonably clean and sanitary condition at all times.

Sec. 75. Location. Camps, except those on wheels, should be located on high, well-drained ground; any natural sink holes, pools, or other surface collections of water in the immediate vicinity should be drained and filled when the camp is first established; and all such water not subject to complete drainage should have the surface oiled at intervals of not more than seven days during the season of mosquito flight.

Sec. 76. Water Supplies. All water supplies for camps shall be properly chlorinated, unless obtained from a source which has been approved by the State Department of Health.

Sec. 77. Garbage and Refuse. All garbage, kitchen wastes, and other rubbish in camps shall be deposited in suitably covered receptacles, the contents of which shall be emptied and burned each day; and manure from the stables shall be likewise collected and burned each day, or disposed of in some other manner approved by the State Department of Health.

Sec. 78. Scavenger. In all camps where there are 100 men or more there shall be one employee whose duty shall be to act as scavenger and garbage collector.

Sec. 79. Toilets. Every camp shall have an adequate number of latrines and urinals, so constructed and maintained as to prevent fly breeding and the pollution of water, and the use of such latrines and urinals by the inhabitants of the camp shall be made obligatory. Latrines and urinals may consist of deep trenches covered with houses adequately screened against flies, or of any other type approved by the State Department of Health. They shall not be located within less than 200 feet of any spring, stream, lake, or reservoir forming part of a public or private water supply.

Sec. 80. Screening. The kitchen, eating houses, and bunk houses of all camps shall be effectively screened against the entrance of flies and mosquitoes during the seasons of flight of these insects.

Sec. 81. Care of Tableware. All

cooking, table, and kitchen utensils, drinking glasses, and crockery used in the preparation of serving of food or drink in camps shall be thoroughly washed in boiling water and suitable cleansing material after each time they are used.

Sec. 82. Food Containers. Refrigerators, food boxes, or other receptacles for the storing of fresh food in camps shall be emptied and thoroughly washed with soap and hot water at least once in each seven days that they are in use.

Sec. 83. Food and Milk. No soiled or tainted food, whether cooked or uncooked, shall be served in any camp, and no milk or milk products shall be served unless the milk has been pasteurized or boiled.

Sec. 84. Sick Persons. When an occupant of a camp becomes sick with a dangerous communicable disease, he shall be immediately isolated, and the health officer within whose jurisdiction the camp is located shall be immediately notified.

Sec. 85. Vermin. It shall be the duty of some one appointed as caretaker of the camp to make regular weekly inspections of the occupants and premises in order to ascertain the presence of lice or other vermin. Persons found to be infested shall be required to bathe, and their clothing shall be boiled; and the premises found to be infested shall be fumigated with sulphur or treated by some other effective vermin-destroying method.

Sec. 86. Abandoned Camps. When any camp is to be abandoned, all garbage, rubbish, and manure shall be collected and burned, and manure shall be collected and burned, and latrine trenches filled, and the grounds and buildings shall be left in a clean and sanitary condition.

Sec. 87. Duty To Enforce Regulations. It shall be the duty of the superintendent, foreman, or other person in charge of a camp to see that all regulations pertaining thereto are faithfully complied with.

Chapter VIII. Plumbing.

Section 1. State Board of Health to make Rules Governing Plumbing. The Texas State Board of Health, pursuant to its general power of supervision over the interests of the health and life of the citizens of this State, and of the sanitary con-

ditions under which they live, is hereby authorized and empowered and it is hereby made the duty of said Board to make, prescribe, enforce, amend, and repeal rules and regulations governing the plumbing, drainage, sewerage, and plumbing ventilation of all buildings in this State and to establish and maintain minimum standards which shall be uniform throughout the State, which rules and regulations shall have the force and effect of law when not in conflict with the Statutes of the State of Texas, provided, however, that this Chapter shall not be construed to deny any municipality the right to adopt and enforce by ordinance such rules and regulations in the premises as are not inconsistent with the laws of the State and not inconsistent with the rules and regulations promulgated by the State Board of Health.

Sec. 2. Employees, Plumbing Inspector, and Duties. The State Board of Health shall employ, promote, and discharge such inspectors, assistants and employees as it may deem necessary to properly carry out the intent and purpose of this Chapter and to fix and pay their compensation and salaries and to provide for their duties and the terms of their employment. Such inspectors, and each of them and their duties, shall be employees of the State Board of Health and subject to its rules and regulations. Each plumbing inspector and all deputies shall be reimbursed for their actual traveling expenses by the State Board of Health. All compensation and salaries thus authorized and contracted for and all expenses incurred by the State Board of Health in the operation and administration of this Chapter shall be provided for and paid out of the State Treasury by warrants charged against the appropriation account of the State Board of Health and set aside for the enforcement of this Chapter as hereinafter provided.

Sec. 3. Certificates of Competency. It shall be the duty of the State Board of Health to grant and issue certificates of competency to persons desiring or intending to engage in the trade, business, or calling of journeyman plumber or master plumber, in the manner and upon the terms and conditions hereinafter provided.

Sec. 4. Examining Board of Plumbers. It shall be the duty of the State Board of Health to prescribe, amend, and enforce rules and regulations consistent with this Chapter for the examination of journeyman and master plumbers and said Board shall for this purpose, within sixty days after this Act becomes a law, appoint, with the power of removal, three plumbing examiners of which one shall be a journeyman plumber, one a master plumber, one a member or employee of the State Board of Health, to be known as "The Examining Board of Plumbers;" and it shall be the duty of the said Examining Board of Plumbers to examine as to their fitness and qualifications all persons applying to the State Board of Health for certificates of competency, and to certify promptly the results thereof to the said Board of Health.

Sec. 5. Certificates of Competency, Issuance. The State Board of Health shall issue certificates of competency to such persons as have by said examination shown themselves fit, competent, and qualified to engage in the business, trade, or calling of a journeyman plumber or master plumber, as the case may be.

Sec. 6. Certificates of Competency, Revocation, Hearing. The State Board of Health shall have power to revoke any journeyman's or master plumber's certificate of competency if the same was obtained through error or fraud, or if the recipient thereof is shown to be grossly incompetent, or has a second time willfully violated any of the rules and regulations prescribed by said Board; provided, that before any certificate of competency shall be revoked, the holder thereof shall be given written notice enumerating the charges against him, and shall be given a hearing by said Board and have an opportunity to produce testimony in his behalf at a time and place specified in said notice, which time and place shall not be less than five days after the service thereof. The State Board of Health shall have power to appoint, by an order in writing, its secretary, or any competent person to take testimony who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses. The decision

of the State Board of Health shall be based upon its examination of the testimony taken and the records produced. Any person whose certificate of competency has been revoked may, after the expiration of one year from the date of such revocation, but not before, apply for a new certificate of competency.

Sec. 7. Plumber Must Have Certificate of Competency. It shall be unlawful for any person to work at the business, trade, or calling of a journeyman plumber in this State until he shall have received from the State Board of Health a certificate of competency as either a journeyman plumber or a master plumber, as the case may be.

Sec. 8. Filing Plans and Specifications. Before the construction of plumbing work in any building, except in the case of repairs, which are hereby defined to relate to the mending of leaks in soil, vent, or waste pipes, faucets, valves, and water supply pipes which shall not be constructed so as to permit any replacement of fixtures with those of prohibitive pipes, or the traps for such prohibitive pipes of fixtures, plumbers may submit to the authorized health authorities of the city or town, if such city or town has provided for the enforcement of this chapter, or to the State Board of Health, if the city or town in which such building is located has not availed itself of the powers herein granted, plans and specifications legibly drawn in ink on blanks to be furnished by said Board of Health, showing the location, size and kind of pipe, traps, closets, and fixtures to be used as well as the location, size and kind of pipe, traps, closets, and fixtures of all existing plumbing. There shall be a separate plan for each building, public or private, or any addition thereto or alterations thereof, and such plan shall be approved or rejected by the said Board of Health within twenty-four hours after its receipt. Unless requested by the installing plumber to be given otherwise, notice of approval or rejection of such plans and specifications shall be forwarded by United States Mail; but notice may be given by long distance telephone or by telegraph, provided, that the expense incident thereto shall be borne by the installing plumber or contractor, and all notices so transmitted

shall be confirmed by United States Mail.

Sec. 9. Inspection. No plumbing system or sewer in a building shall be covered or concealed in any manner until after they have been inspected and approved by a plumbing inspector of the authorized health authorities. Written notice must be given said health authorities after the work is sufficiently advanced for such inspection, and it shall be the duty of the proper officers to inspect the same within forty-eight hours after the receipt of said notice. The notice herein required may be given by telegraph but shall be confirmed by United States Mail.

Sec. 10. Inspector Shall Issue Certificate. After such plumbing inspector or duly authorized health authority has completed an inspection, and if he finds that such plumbing, drainage, sewerage, and plumbing ventilation has been properly installed and that the same complies with all the laws, rules, and regulations incident thereto, such inspector shall issue to the installing plumber a certificate of approval, and after the issuance of which the work may be carried to completion. In case said inspector should decline to approve the materials, or the manner of installation of any plumbing, drainage, sewerage, or plumbing ventilation so installed, such inspector shall point out in writing such deficiencies and deliver the same immediately to the installing plumber.

Sec. 11. Inspection by State Board of Health and Fees Therefor. In all cities and towns of less than 25,000 population which have failed or refused or neglected to appoint a plumbing inspector, and to pass ordinance as provided for under this Chapter, the State Board of Health shall conduct such inspections and issue such certificates as may be required under this Chapter. For the service so rendered the State Board of Health shall collect from the installing plumber the following fees: Sewer inspection, \$1.00; each fixture inspected, \$.50; certificate of approval, \$.25. In no instance is such inspection to cost more than twenty-five dollars.

Sec. 12. Installation Work in Charge of a Master Plumber. Any person, firm, or corporation desiring to engage in or work at the business

of installing plumbing, or who shall install plumbing in connection with the dealing in or selling of plumbing material and supplies, shall be required to have a master plumber in charge at all times who shall be responsible for the proper installation of all such plumbing; provided, that any person, firm, or corporation selling or dealing in plumbing materials or supplies but not engaged in the installation, alteration, repairing, or removal of plumbing, shall not be required to employ or have a certified master plumber in charge as is in this section provided.

Sec. 13. Existent Plumbers Certified without Examination. All journeyman plumbers and master plumbers actually engaged in business or employed as such at the time this Chapter goes into effect, may within sixty days thereafter, procure a certificate of competency as a journeyman plumber or master plumber, as the case may be, without examination upon payment of the fee herein required. All persons applying after the expiration of the said sixty days for a certificate of competency shall be required to take the examination as herein provided for and satisfy the State Board of Health of their fitness and qualifications, except as herein otherwise provided.

Sec. 14. Expiration of Certificate of Competency. All certificates of competency issued during any year, unless sooner revoked, shall expire on December 31 of that year.

Sec. 15. Master Plumber Has Privilege of Journeyman. A master plumber's certificate of competency shall entitle the holder thereof to all the rights and privileges of a journeyman plumber.

Sec. 16. License May Be Issued to Licensed Plumbers of Other States. The Board may license without examination, upon the payment of the required fee, applicants licensed under the laws of other states having requirements for licensing and regulating plumbing which the Board determines are equivalent to the requirements in this State.

Sec. 17. Renewal of Certificate of Competency. A certificate of competency once issued under this Chapter may be renewed at any time during the month of January in the year following its issuance on the payment

of the renewal fee herein specified, and such a certificate of competency may be renewed at any time during the month of February in the year following its issuance by payment of the revival fee herein specified, without examination.

Sec. 18. Fees. The following shall be the fees charged in this chapter by the State Board of Health for the issuance of certificates, revival certificates, and examinations, to-wit:

Master plumber's certificate	\$15.00
Renewal of master plumber's certificate	10.00
Journeyman plumber's certificate	3.00
Renewal of journeyman plumber's certificate	2.00
Revival fee, journeyman plumber's certificate	3.00
Revival fee, master plumber's certificate	15.00
Examination fee, journeyman plumber	2.00
Examination fee, master plumber	5.00

Sec. 19. Disposition of Fees. All moneys received by the State Board of Health under the terms and provisions of this Chapter shall be paid within one week of their receipt into the State Treasury to the credit of the "Housing Fund" and all such moneys are hereby set aside and appropriated to the State Board of Health to carry into effect the provisions of this Chapter. Such funds shall be paid out by warrants issued by the Comptroller of the State of Texas drawn on the State Treasury.

Sec. 20. Municipal Inspectors for Cities and Towns. The board of health, or in the absence of a board of health, the city health officer, in each city in the State of Texas having a population of 25,000 or more according to the last Federal census, shall appoint, with the power of removal, one or more inspectors of plumbing duly certified under this Chapter who shall not have been engaged in the occupation of master plumber for at least three months prior to their appointment. The compensation of such inspectors shall be determined by the authorities appointing them, and shall be paid from the city or town treasury, and said inspectors shall inspect all plumbing

work in the city for which appointed, whether such work shall be new or consist of alterations and repairs, and they shall report to the authorities appointing them all violations of any law, ordinance, by-law, rules, and regulations of the State Board of Health relating to such work, and shall perform such other appropriate duties as may be required.

Sec. 21. Municipal Rules and Regulations. Each city having a population of 25,000 or more shall, and any city or town having less than 25,000 population may, by ordinance or by-laws, prescribe rules and regulations for the materials, construction, alteration, and inspection of all pipes, faucets, tanks, valves, and other fixtures by and through which supply or waste water or sewage is used or carried, and provided they shall not be placed in any building therein except in accordance with plans which shall be approved by the board of public works, where such board exists, or the board of health of such city or town, or such other person or persons as either of said boards may designate; and shall further provide that no plumbing shall be done, except in case of repairing leaks, without a permit being first issued therefor and upon such terms and conditions as such city or town shall prescribe; provided, that no such ordinance, by-law, rule, or regulation prescribed by any such city or town shall be inconsistent with this Chapter or inconsistent with any rule or regulation adopted or prescribed by the State Board of Health.

Sec. 22. Definitions. For the purposes of this Chapter the words journeyman plumber and master plumber are defined to have the following meaning, to-wit: "journeyman plumber" is hereby defined to mean any person other than a master plumber who is engaged as his principal occupation in the practical installation, alteration, repair, and removal of plumbing. "Master plumber" is hereby defined to mean any person skilled in the planning, superintending, and practical installation of plumbing and is familiar with the laws, rules, and regulations governing the same.

Sec. 23. Water Supply to Fixtures. Each building in which water-closets and other plumbing fixtures exist shall be provided with a supply of

water adequate in volume and pressure for flushing purposes.

Sec. 24. Water Supply to Premises. All premises intended for human habitation or occupancy shall be provided with a supply of pure and wholesome water.

Sec. 25. Size of Pipes. All pipes conveying water to water-closets shall be of sufficient size to supply the water at a rate required for adequate flushing without unduly reducing the pressure at other fixtures.

Sec. 26. Sewer Connections. Every building intended for human habitation or occupancy on premises abutting on a street in which there is a public sewer shall have a connection with the sewer, and if possible a separate connection.

Sec. 27. Plumbing Fixtures. All plumbing fixtures shall be made of smooth, nonabsorbent material, and free of concealed fouling surfaces and free of enclosures.

Sec. 28. Plumbing Facilities. In each multiple dwelling provided with a house-drainage system there shall be for each family at least one private water-closet.

Sec. 29. Design of House Drainage. All house-drainage systems shall be so designed, constructed, and maintained as to conduct the waste water or sewage quickly from the fixture to the place of disposal with velocities which will guard against fouling and the deposit of solids and will prevent clogging.

Sec. 30. Leakage of Drainage Pipes. All drainage pipes shall be so designed and constructed as to be proof against leakage of water or drain air due to defective material, imperfect connections, corrosion, settling, or vibrations of the ground or building, temperature changes, freezing or other causes for a reasonable life of the building.

Sec. 31. Cleanouts. All drainage systems shall be provided with an adequate number of cleanouts, or arranged so that in case of stoppage the pipes may be readily accessible.

Sec. 32. Traps. Each fixture or combination fixture shall be provided with a separate and accessible self-scouring, reliable water-seal trap placed as near to the fixture as possible.

Sec. 33. Venting. All house-drainage systems shall be so designed that there will be an ade-

quate circulation of air in all pipes and no danger of siphonage, aspiration, or forcing of trap seals under conditions of ordinary use.

Sec. 34. Soil Stacks. Each soil stack shall extend full size upward through the roof and shall have a free opening, the roof terminal being so located that there will be no danger of air passing from it to any window, and no danger of clogging of the pipe by frost or by articles being thrown into it or of roof water draining into it.

Sec. 35. Testing. Each plumbing system shall be subjected to a water test in such manner as to disclose all leaks and imperfections in the work.

Sec. 36. Explosive Mixtures, etc. No substance which will clog the pipes, produce explosive mixtures, or destroy the pipes or their joints shall be allowed to enter any house-drainage system.

Sec. 37. Refrigerators, Ice-boxes, etc. Refrigerators, ice-boxes, or receptacles for storing food shall not be connected directly with the house-drainage system.

Sec. 38. Ventilation of Toilet Rooms. No water-closet shall be located in a room or compartment which is not properly lighted and ventilated to the outer air.

Sec. 39. Sewage Disposal. If water-closets or other plumbing fixtures exist in buildings where there is no sewer within reasonable distance, suitable provision shall be made for disposing of the house sewage by some method of sewage treatment and disposal satisfactory to the State Board of Health.

Sec. 40. Prevention of Back-flow. When a house-drainage system may be subjected to back-flow of sewage, suitable provision shall be made to prevent its overflow into the building.

Sec. 41. Maintenance of Drainage System. All plumbing systems shall be maintained in a sanitary condition.

Sec. 42. Repeal. It is the purpose of this Chapter to create for Texas a system for regulating the installation of plumbing, therefore, all Acts or parts of Acts inconsistent herewith are hereby repealed; provided, that prior legislation shall remain in full force and effect as the standard in existence at the time when certain work was undertaken

or constructed, and for the purpose of proceeding for the correction or prosecution for the failure to comply with its terms and provisions or for the violation of its provisions and in the imposition of penalties thereunder.

Chapter IX. Sanitary Regulations of Food and Drug Establishments.

Section 1. Every building, room, basement, or cellar occupied or used as a confectionery, cannery, packing house, creamery, cheese factory, candy factory, ice cream factory, cake factory, restaurant, hotel kitchen, grocery, drug store, meat market, bottling works, produce house, or other place or apartment used for the preparation, manufacture, packing, storage, sale, or distribution of any food or drug shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced. For the purpose of this Act the term "food" as used herein shall include all articles used for food or drinks, confectionery or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof; and the term "drug" as used in this Act shall include all medicines and preparations for internal or external use recognized in the U. S. Pharmacopoeia or National Formulary, and any substance, or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or animal. The term "transportation" as used in this Act shall apply only to intra-state traffic.

Sec. 2. The floors, sidewalls, ceilings, furniture, receptacles, implements, and machinery of every establishment or place where food or drugs are prepared, manufactured, packed, stored, sold, or distributed; and all cars, trucks, and vehicles, used in the transportation of food products shall at no time be kept in an unclean, unhealthy or insanitary condition. For the purpose of this Act, unclean, unhealthy, and insanitary conditions shall be deemed to exist if refuse, dirt, and waste products subject to decomposition and fermentation, incident to

the manufacture, preparation, packing, storing, selling, distributing and transporting of the article of food or drug are not removed daily; if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers and other apparatus, utensils, and machinery used in moving, handling, cutting, chopping, mixing, canning, and all other processes are not thoroughly cleaned daily or immediately after a twenty-four hour interval of disuse or interruption in use, and if the clothing of operatives, employees, clerks, or other persons therein employed is unclean.

Sec. 3. All materials used in the production of food or drug products, and all food and drug products, shall be stored, handled and kept in a way to protect them from spoilage and contamination; and no material shall be used which is spoiled or contaminated, or which may render the finished product unwholesome or unfit for the use for which it is intended; and no water which is polluted shall be used for washing, cleaning, or preparing any food product.

Sec. 4. The sidewalls and ceiling of every confectionery, creamery, cheese factory, hotel kitchen, and restaurant kitchen shall be well plastered, wainscoted, or ceiled with metal, or lumber, and shall be oil painted or kept well lime washed; and all interior wood work in every confectionery, creamery, cheese factory, hotel kitchen, and restaurant kitchen shall be kept well oiled or painted with oil paints, and kept washed clean with soap and water; and every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, storage, sale, or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable nonabsorbent material which can be flushed and washed clean with water.

Sec. 5. The doors, windows, and other outside openings of every food producing or distributing establishment shall be fitted with self-closing screen doors and wire window screens of not coarser than sixteen mesh screen gauze. Provided, that wholesale houses and other establishments that handle only canned

goods or other similarly protected food products which cannot possibly be damaged by flies shall not be required to have screens.

Sec. 6. Every building, room, basement, inclosure, or premises occupied, used, or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of food or drugs shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet room shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling, and distribution is conducted. The floors of such toilet rooms shall be of nonabsorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate venting flues and pipes, discharging into soil pipes, or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the wash room shall be near the exit to the toilet and shall be supplied with soap, running water and clean towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks, and all other persons who handle the material from which food or drugs are prepared, or the finished products, before beginning work and after visiting toilets, shall wash their hands and arms thoroughly with soap and clean water.

Sec. 7. Cuspidors for the use of operatives, employees, clerks, or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution and five ounces of such solution shall be left in each cuspidor while it is in use. No operatives, employee, or other person shall expectorate on the floor or sidewalls of any buildings, rooms, basement or cellar where the production, manufacture, packing, storing, preparation, or sale of any food or drug is conducted.

Sec. 8. No person or persons shall be allowed to live or sleep in any hotel kitchen or dining room, restaurant, confectionery, creamery, cheese factory or any place where food is prepared, served, or sold.

Sec. 9. The sidewalk or street

display of food products is prohibited, unless such products are enclosed in glass show cases or similar devices which shall protect the products from flies or other contamination. The bottom of such show case or container shall be at least two feet above the surface of the ground or floor. Fans and mosquito netting are not a sufficient protection. The sidewalks or street display of meat or meat products is prohibited. The polishing of fruit or any other food product by any process or in any manner which is insanitary or unclean is hereby prohibited.

Sec. 10. Confectionery, dates, figs, dried fruits, berries, butter, cheese, bakery products, and all foods subject to contamination, while on sale or display are required to be properly covered to effectively protect the same from contamination by handling with hands or damage by flies, dust, vermin, or other means of foreign or injurious contamination.

Sec. 11. No building, place, or room which is dilapidated or in such a state of repair or of such construction that it cannot be kept in a sanitary condition when used as a place for the preparation, manufacture, packing, storage, sale, or distribution of any food or drug product shall be used as a place for conducting any business handling, preparing or producing food or food products; and the owner or owners of such building, room, or place shall not permit it to be used as a place for conducting such a business; and each day of use of such building, room, or place shall constitute a separate offense.

Sec. 12. It shall be the duty of the State Health Officer and those appointed by him to enforce this Chapter; and for that purpose the State Health Officer or any person by him duly appointed, and the county and city health officers and their appointees shall have full power at all times to enter every building, room, basement, inclosure, or premises occupied or used for the production, preparation, manufacture, storage, sale, distribution, or transportation of food or drugs to inspect the premises and all utensils, fixtures, furniture, and machinery used as aforesaid; and if upon inspection any such food or drug pro-

ducing or distributing establishment, conveyance, or any employer, employee, clerk, driver, or other person is found to be violating any of the provisions of this Chapter, or if the production, preparation, manufacture, packing, storage, sale, distribution, or transportation of such food or drugs is being conducted in a manner detrimental to the health of the employees, and operatives, or the character or quality of the food or drug therein being produced, prepared, manufactured, packed, stored, sold, distributed or conveyed, the officer or inspector making the inspection or examination shall certify the facts to the State's attorney of the county in which such violation occurred, and such State's attorney shall proceed against the person or persons for the fines and penalties provided by this Act.

Sanitary Requirements of Plants Bottling Carbonated and Still Beverages.

Sec. 13. No person, firm, association or corporation within the State of Texas shall engage in the occupation of conducting a bottling plant or in the manufacture of carbonated beverages of any description or in the conduct of any so-called soft drink stand without having complied with the following requirements.

Sec. 14. Every bottling plant in operation at the time of the promulgation of this Act shall be housed in a building

(a) having a smooth and properly drained floor, of concrete or like material, over an area extending at least three feet beyond all bottling and bottle cleaning machinery,

(b) having whole and sound walls and ceiling,

(c) provided with window space sufficient to give needed natural light during the daylight hours, or well lighted artificially, according to accepted standards,

(d) which is well ventilated at all times.

Sec. 15. The water bottled, or the water used in the manufacture of carbonated beverages or carbonate malt beverages in bottling plants, or in final rinsing of bottles which are to be filled or refilled, shall be pure and potable at all

times, according to U. S. Treasury Department Standards.

Sec. 16. All prepared syrups, extracts or other liquid ingredients or concentrates used in the manufacture of carbonated beverages or carbonated malt beverages shall be thoroughly strained and shall be kept, until used, in the unopened container or containers in which they are shipped, or in a covered porcelain or glass lined or glazed earthenware receptacles. All strainers or cloths used in straining syrups, flavors, extracts or concentrates shall be thoroughly washed and boiled at least daily, or before use immediately following an interval of more than twenty-four (24) hours interruption in use.

Sec. 17. The room in which syrups, flavors, extracts, or other liquid beverage ingredients or concentrates are measured or prepared, shall be of substantial construction, shall have automatically closing entrance and exit, and shall be sufficiently screened with sixteen (16) mesh to the inch, or finer wire screen cloth.

Sec. 18. All syrup, extract, concentrate or other liquid beverage containers and all piping for the conveyance of same, shall be thoroughly scalded or thoroughly cleaned and disinfected with a solution of known strength and efficiency, not less frequently than at intervals of six (6) working days, or before each use immediately after a twenty-four (24) hour interval of disuse or interruption of use. Such containers and piping shall be clean at all times.

Sec. 19. All machinery with which syrups, extracts, concentrates or other ingredients of the final production of bottling plants come in contact, and the floors, tables, shelves and racks, upon which the completed product is placed, shall be thoroughly cleaned at intervals of six (6) working days, or before each use immediately after a twenty-four (24) hour interval of disuse or interruption in use, with boiling water, steam or a disinfectant of known strength and efficiency, and shall be clean at all times.

Sec. 20. Bottle crowns, after being taken from the original container, shall be stored only in covered dust-proof receptacles until

used. If crowns are left in the original package until used, it shall be covered at all times so as to be dust proof.

Sec. 21. All bottles used as containers for the final products of bottling plants shall be thoroughly cleaned before being filled or re-filled. In the cleaning of bottles to be re-filled, the temperature of the soaking solutions (if an alkali solution is used) shall not be less than one hundred and twenty (120) degrees Fahrenheit, and the alkalinity of such a solution shall be at all times equivalent to the free alkalinity of a three (3) per cent sodium hydroxide solution.

Sec. 22. All accumulation of broken bottles and other rubbish shall be kept in appropriate receptacles or containers, and shall be removed from the bottling plant daily.

Sec. 23. All employees in the bottling plant must wear clean clothes. Arrangements facilitating the observance of personal hygiene by employees actually engaged in the preparation and bottling of beverages shall be maintained by the management of the bottling plant.

Sec. 24. Every bottling plant now in operation shall observe the following conditions:

(1) All flush toilets connected in anyway with any part of the bottling plant shall be securely and permanently closed by a solid partition and door.

(2) The disposal of fecal matter of toilet anywhere within the premises, shall conform to the standards set by the State Department of Health.

Sec. 25. No carbonated beverages or still drinks shall be made except from syrup containing pure cane or beet sugar and pure flavoring materials with or without added fruit acids and with or without added color. Such carbonated beverages or still drinks shall contain not less than eight per cent sugar by weight.

Sec. 26. After three months from the promulgation of this Act, no bottling plant, which practices the refilling of bottles may operate, except it be equipped with, and use at all times in its operation, a mechanical soaker and bottle-washer. Said soaker and bottle-washer shall be maintained in a state of full effi-

ciency during any and all operations of the bottling plant.

Sec. 27. No new bottling plant shall hereafter be permitted to begin operations except the following conditions be observed:

(1) The entire floor of the bottling department shall be impervious to water, and shall be adequately drained.

(2) There shall be no flush toilet opening directly into any part of the bottling department.

(3) Means for the disposal of fecal matter shall conform to the standards set by the State Department of Health.

(4) Mechanical soaker and bottle-washer shall be included in the operating equipment.

(5) No other business for the preparation and bottling of the final product of the plant shall be conducted in the bottling department of the establishment.

Chapter X. Milk Sanitation.

Section 1. Basic Principles.

(1) All milk sold or intended for sale in this State shall be produced and handled in a manner to preserve the original purity of the product and shall conform to the principles of sanitation hereinafter specified.

(2) Such milk must come from animals free of disease.

(3) All dairy barns in which milk is produced for sale shall be so lighted, ventilated, constructed and maintained as will insure the production of clean milk.

(4) The barnyard shall be drained and kept free of manure so as to keep fly and odor production down to a practical minimum.

(5) All milkhouses or rooms where milk or milk products are strained, bottled, handled, or processed shall be so lighted, screened, ventilated, constructed, and maintained as to prevent the access of rodents, flies, insects, or dust to the milk in order to minimize possibility of infection.

(6) All utensils and apparatus used in the handling or processing of milk shall be clean and sterile when used and of such type and construction as will reduce the chances of infection of the milk, and must be protected from contamination while in use or in storage.

(7) The water used at dairies and milk plants shall be free of contamination and its source protected against potential contamination.

(8) Bottling and capping. The method of bottling and capping shall be done in a manner to prevent infection of the milk.

(9) All milking and milk handling shall be done by persons with clean hands and clean outer garments. When milking machines are used the parts coming in contact with the milk must be clean and sterile. Straining, handling, and cooling of the milk shall be done in a manner and place as to preserve its purity and freshness.

(10) All milkers and milk handlers shall be free of communicable disease.

(11) The pasteurization of milk and milk products shall be done in a clean, well lighted, and ventilated place with sanitary equipment and facilities, and in a manner to destroy harmful bacteria.

(12) Toilets and washing facilities shall be provided at all dairies and milk plants of a type prescribed by the State Board of Health which will insure against fecal contamination of the milk.

Sec. 2. Duties and Powers of State Board of Health. The State Board of Health is hereby vested with power and authority to regulate the production, handling, processing, and distribution of milk sold or intended for sale as will conform to the purposes and intent of the provisions of this chapter, and the State Board of Health is hereby authorized to promulgate such rules and regulations as they deem necessary for the carrying out of this chapter.

Sec. 3. Provision for Grading and Labeling Milk. The State Board of Health is further authorized to make such rules and regulations as they deem necessary for regulating the quality of milk sold or intended for sale for human consumption, including the grading of equipment, method of production, handling, and labeling of the milk and milk products intended for sale; provided said Board shall have authority to adopt the rules and regulations set out in the United States Public Health Service Standard Milk Ordinance. The State Health Officer is hereby

vested with power and authority to promote milk sanitation by grading and labeling milk and milk products. He shall furnish the services of a State inspector to cities and towns making application therefor, provided said cities or towns shall pay the expense incurred in fulfilling such assignments, and provided the funds so received shall be placed in the State Treasury to the credit of a fund to be known as "Milk Inspection Fund," the same being hereby appropriated and shall be used by the State Health Officer in the promotion of milk sanitation. Such funds shall be paid out by warrants issued by the Comptroller of the State of Texas drawn on the State Treasury.

Sec. 4. Adulteration and Misbranding. Milk or milk products shall not be graded or permitted to carry a label in the State of Texas unless the milk control work is done by the city or county health authority, or by the State Health Officer, or by their authorized representative, and unless such grade or label shall have been authorized by one of the aforesaid authorities and in accordance with the provisions of this Chapter.

Sec. 5. Municipal Rules and Regulations. Each city having a population of 5,000 or more shall, and any city or town of this State having less than 5,000 may, by ordinance or by-laws, prescribe rules and regulations for the production, handling, and processing of milk or milk products intended for sale, and for regulating the sale and delivery of same to the consumer, and for the grading and labeling of the milk intended for sale; provided that no such ordinance, by-law, rule or regulation prescribed by any such city or town shall be inconsistent with any rule, or regulation adopted or prescribed by the State Health Officer or in conflict herewith.

Chapter XI. Penalty, Constitutionality and Emergency Provisions.

Section 1. Penalty. Any person, firm, or corporation who shall violate any provision of any chapter, section, or subdivision of the foregoing sanitary code shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars and each day of such violation shall constitute a separate offense.

Sec. 2. Constitutionality. If any particular section or part of this Act shall be held unconstitutional or inoperative for any reason, it shall not affect any other section or part of the Act, and the remainder of the Act, save the part or section declared unconstitutional or inoperative, shall continue in full force and effect.

Sec. 3. Emergency. The fact that more adequate protection of the public health is needed, and the importance of this legislation, creates an emergency and a public necessity requiring that the Constitutional Rule, providing that bills shall be read on three several days in each House, shall be suspended, and this Act shall take effect from and after its passage; and it is so enacted.

TWENTY-SIXTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, February 12, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Neal.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Witt:

S. B. No. 496, A bill to be entitled "An Act authorizing incorporated cities and towns in this State to levy and collect from every male person between the ages of twenty-one and sixty years residing in said city or town a street tax; fixing the maximum amount of said tax; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cunningham:

S. B. No. 497, A bill to be entitled "An Act amending Article 1723 of the Revised Statutes of 1925, providing for the appointment by the Supreme Court of stenographers for that court, and fixing their salaries; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Woodward, Greer and Thomason.

S. B. No. 498, A bill to be entitled "An Act approving, ratifying and confirming a contract of date January 1, 1929, by and between the Board of Managers of the Texas State Railroad and Texas and New Orleans Railroad Co., approved by the Governor of Texas and for the maintenance and operation of the properties of said Texas State Railroad by said Texas and New Orleans Railroad Company, providing that this Act shall be cumulative of Chapter Twenty-six of the General Laws of the Regular Session of the Thirty-seventh Legislature, approved March 12, 1921, and that said contract shall, upon the same becoming effective, supersede the contract between the same parties which was confirmed and ratified by Chapter Three of General Laws of the Second Called Session of the Thirty-seventh Legislature, approved August 25, 1921, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 499, A bill to be entitled "An Act validating the appointment of guardians when citation was posted as provided in Article 4064 of